

History
AND
Civil Government
OF
IOWA.



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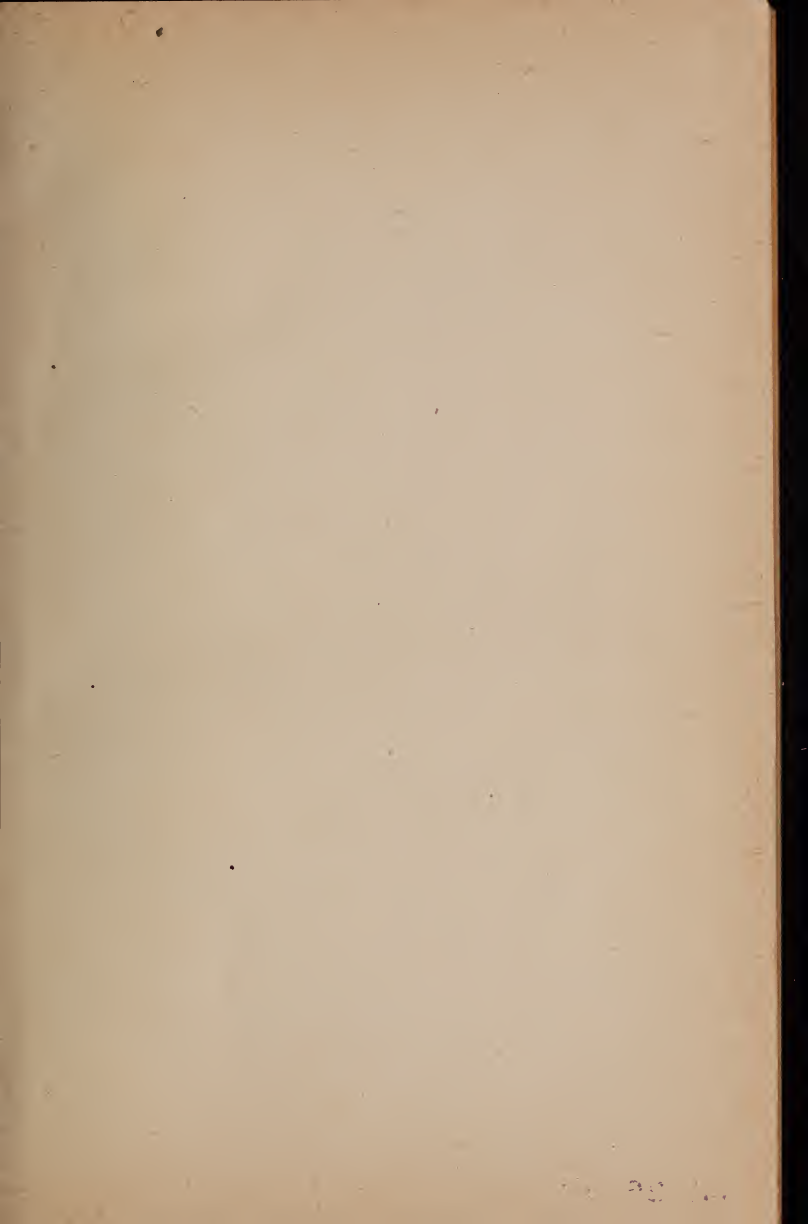
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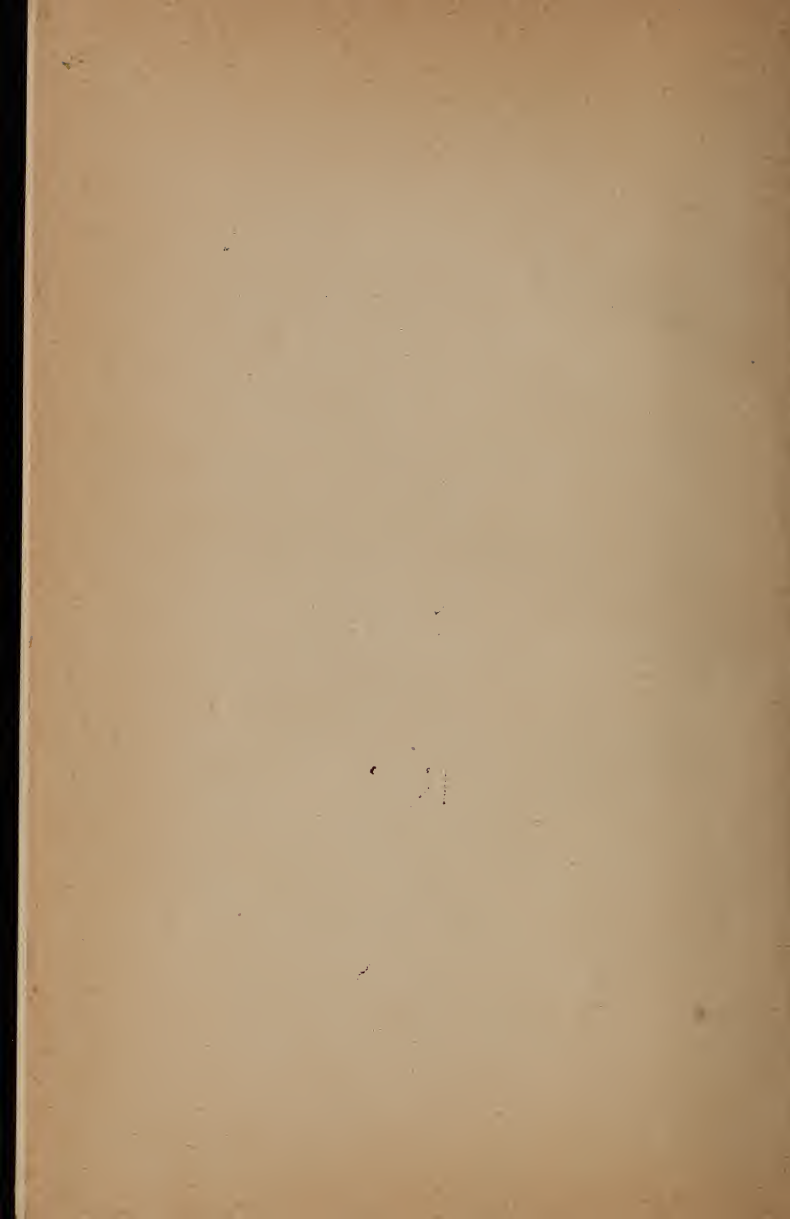
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UNITED STATES OF AMERICA.



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HISTORY
AND
CIVIL GOVERNMENT
—OF—
IOWA.

FOR THE USE OF NORMAL AND PUBLIC SCHOOLS, TEACHERS
INSTITUTES, AND PRIVATE INSTRUCTION.

✓
—BY—
GEO. CHANDLER,
Supt. of Schools, Mitchell County, Iowa.

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A. FLANAGAN.
1884.

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PREFACE.

THIS little book has been prepared in answer to a demand of a text-book on the civil government of Iowa, for the use of schools and institutes. A knowledge of the workings of our government is essential to good citizenship, but this branch of study has been sadly neglected even in the graded schools of the State. This neglect has been due to the fact that the means of acquiring information upon the subject are not available. The Code and Session Laws contain the necessary facts, but in such form that they are of but little use to the pupil. The object of the book is to give briefly a history of the settlement and growth of the State, an account of her various institutions, and to show the workings of the government as provided for in the constitution and seen in state, district, county, town, and township. The List of State Officers and Table of Counties will be found useful for study or reference.

Brief sketches of the persons, battles, etc., mentioned in the second column of Table of Counties will be valuable for Friday afternoon exercises.

That the book will be kindly received by those who desire information upon this much neglected subject is the hope of

THE AUTHOR.

OSAGE, IOWA, June 2, 1884.

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HISTORY OF IOWA.

Iowa, "The Beautiful Land," was discovered by James Marquette and Louis Joliette, in 1673. Upon the right of discovery, so-called, France based her claim, not only to Iowa, but to all the lands along which her subjects sailed. Ninety years later, 1763, the French king ceded his possessions in the Valley of the Mississippi, to Spain. In 1801, Napoleon compelled Spain to make a secret cession of this territory to him, and, two years later, he ceded it to the United States for \$15,000,000. This tract of land, known as the Louisiana Purchase, was so vast that the price per acre amounted to less than two and one-half cents.

In 1788, Julien Dubuque obtained permission from three chiefs of the Sacs and Foxes to dig for ore on the west bank of the Mississippi. The same year, he staked out a claim containing nearly two hundred square miles, and opened several lead mines, which he continued to work until the time of his death, in 1810. Dubuque, with his ten associates, formed the first settlement made by the whites in Iowa, and the city and county of Dubuque were named in his honor. Other Frenchmen settled at Montrose and Prairie Du Chien about the beginning of the present century, but the settlements were very feeble.

In 1804, the Louisiana Purchase was divided by the thirty-third parallel of north latitude, the southern part to be known as the territory of Orleans, the northern part, as the district of Louisiana. The district of Louisiana, embracing the present States of Arkansas, Missouri, Iowa and Minnesota, and the unexplored regions westward to the Rocky Mountains, was attached to Indiana, with William Henry Harrison for first governor. Eight years later, Iowa was organized as a part of the territory of Missouri. In 1821, when Missouri was admitted into the Union as a state, Iowa was left "out in the cold," politically, and no provision was made for the remainder of the Louisiana Purchase until 1834, when it became a part of the territory of Michigan. This connection lasted but a short time, however, for two years later, Iowa became a part of the territory of Wisconsin, then formed.

In 1838, that part of the territory of Wisconsin lying west of the Mississippi was organized as the territory of Iowa, and Robert Lucas, of Ohio, was appointed first governor. Under his direction, the first census was taken, members of the legislature were chosen, and civil government in Iowa was begun. The act of congress that provided for the organization of this territory gave the governor full power to veto any and all acts of the legislature.

In 1840, and again in 1842, attempts were made to call a convention to draft a state constitution, but without success. In 1844, however, a convention called for this purpose, met at Iowa City, and drafted a constitution, which prescribed boundaries differing very materially from the present boundaries of Iowa. Within these limits were included a large part of what is now

Minnesota, as well as all of Iowa, except a small portion of the northwestern part of the state, embracing the counties of Lyon, Osceola and Sioux, and parts of three or four adjoining counties.

These boundaries proved to be unsatisfactory to congress, and new ones were proposed by that body. The meridian of $17^{\circ} 30'$ west from Washington was to be the western boundary, and the northern boundary was changed so as to limit the state in that direction also. In April, 1845, this constitution, owing to the dissatisfaction with regard to boundaries, was rejected by the people. After another unsuccessful attempt in the following year, a constitution with the present boundaries, which had been proposed by congress, was adopted Aug. 3, 1846, and Dec. 28, of the same year, Iowa, the twenty-ninth state, was admitted to the Union.

Reference has already been made to the early settlements in Iowa. The permanent settlement of the state did not begin until after the close of the Black Hawk war, in 1832. In June of the next year, people from Illinois, Wisconsin and Michigan pushed across the Mississippi and staked out claims at Fort Madison, Burlington, Davenport, and several other places along the river.

A noted author, in speaking of these settlers, says, "The pioneers of Iowa, as a class, were a brave, hardy, intelligent and enterprising people. Among those who have pioneered the civilization of the West and been founders of great states, none have ranked higher in the scale of intelligence and moral worth than the pioneers of Iowa who came to the territory when it was still an Indian country, and through hardship,

privation and suffering, laid the foundations of this great and prosperous commonwealth, which to-day dispenses her blessings to more than a million and a half of people. In all the professions, arts, industries and enterprises which go to make up a great and prosperous people, Iowa has taken and holds a front rank among her sister states of the West."

The territory obtained from the Indians by the Black Hawk Purchase extended along the Mississippi from the northern boundary of Missouri to the mouth of the Upper Iowa River. The strip averaged about fifty miles in width and contained nearly six millions of acres, or about one-sixth of the present area of Iowa.

In a former treaty with the Sac and Fox Indians, a valuable tract of land, containing nearly one hundred and thirteen thousand acres, was reserved for the half-breeds of these tribes. This land was situated in what was afterwards the southern part of Lee county. The covetous eyes of land speculators were soon turned towards this reservation, and companies were formed for the purpose of purchasing the rights of the half-breeds to the soil. As might have been expected, conflicting claims arose, and several years were spent in litigation. At last the supreme court appointed commissioners to settle the vexing question. These men divided the tract into one hundred and one shares, and the titles granted by them were afterwards declared valid by the courts.

In 1842, the government made another treaty with the Sacs and Foxes, and by its terms gained possession of the remainder of the lands belonging to those tribes in Iowa. The Indians were to retain pos-

session of the land till the first of May, 1843. This region had been thoroughly explored by the whites, but the United States authorities had prevented any settlements from being made. As the time for the opening of the land to settlers drew near, hundreds of families encamped along the line; and by sundown of May 1st, over one thousand families had settled in this new territory. These settlers were simply *squatters*, for the lands occupied by them had never been surveyed, and still belonged to the general government.

Under the laws of the United States, then in force, all lands subject to settlement were to be offered at public sale and sold to the highest responsible bidder. If the land could not be sold for want of bidders, actual settlers acquired the right to enter it at the minimum price of a dollar and a quarter per acre. Many old settlers of Iowa are now living upon the land which they occupied before the *land sale*, as it was called.

GROWTH.

When Iowa was admitted into the Union, there were twenty-seven organized counties, but immigration had been so rapid that many of the one hundred thousand settlers had founded homes for themselves even before the lands were surveyed or the counties organized.

The first session of the legislature of the territory of Iowa convened at Burlington in 1839. Nearly all of its meetings were held in the M. E. church of that place. In the early part of the session, three commissioners were appointed to select a site for a permanent seat of government within the limits of Johnson county. The commissioners selected a section of land,

caused it to be surveyed into town lots, and in accordance with an act of the legislature, named the place Iowa City. Work on the public buildings was begun at once, and on July 4, 1840, Gov. Lucas reported to the legislature that the foundation of the capitol was nearly completed.

At the first session of the state legislature, it was decided that Iowa City was too near the eastern boundary of the state for a permanent seat of government. It was accordingly determined to re-locate the capital at some point more centrally located. The commissioners appointed to select the new site chose five sections of land in the southwestern part of Jasper county, and called the town which they laid out, Monroe City. The public buildings at Iowa City were to be given to the State University, which had been established the year before.

But Monroe City did not thrive, and the legislature continued to meet at Iowa City. In 1855, an act was passed removing the capital to Des Moines, and, three years later, the legislature began its work at that place. In a few years the capitol building was found to be inadequate to the wants of the growing state, and, in 1870, the sum of \$150,000 was appropriated for a new building. Other appropriations, amounting to nearly \$2,500,000, have been made from time to time, and, at the present writing, the Twentieth General Assembly holds its meetings in this new capitol, a building worthy of the great state of Iowa.

Upon her admission to the Union, Iowa received a grant of 500,000 acres of land, in accordance with an act of congress, approved Sept. 4, 1841. By another act, passed March 3, 1845, the sixteenth section of each

unorganized congressional township was set apart for school purposes. The latter act also appropriated 46,080 acres of land to aid in establishing a State University. The state constitution provides that the money obtained from the sale of these lands (the University grant excepted), shall be and remain a perpetual fund for the support of schools throughout the state. The *permanent school fund* is made up of the proceeds of these grants, together with the money obtained from the sale of estates of persons deceased without heirs, and what is known as the "Five Per Cent. Fund." This fund was founded by an act of congress which set apart five per cent. of all moneys received from the sale of public lands within their borders. Several law suits, growing out of the location of lands by soldiers' warrants, have arisen in this and other states, and the matter is still in the courts.

The interest upon this fund is distributed to the different counties twice a year, and forms a part of what is called the semi-annual apportionment. The fund itself can never be diminished or appropriated to any other use. The permanent school fund at the present time amounts to about \$4,000,000, from which about \$124,000 interest is received semi-annually and apportioned among the several counties according to their respective populations of school age.

Thus it will be seen that at an early date in our history, provision was made for the establishment and support of the common schools. Even before the early settlers had erected comfortable houses for themselves, they began to look about them for means with which to build school houses. Voluntary contributions of logs and other materials were made by those

who had them to give, and others bore their part of the burden by aiding in the construction of the houses. In many instances, teachers received a part of their wages in "boarding 'round."

From these humble beginnings, the educational interests of the state have constantly improved, until now her school system is considered one of the most complete in the United States. Although the twelfth state in area, there are only four states in the Union that have a greater number of school houses. Her schools, supported at an annual expense of more than \$5,000,000, testify to the public spirit and lofty purpose of her people.

The census of 1880 discloses some interesting facts concerning our educational progress. In no state in the Union, except Kansas, having so much as one-half the population of Iowa, are there so few illiterates over ten years of age. In ability to read, the people of Iowa head the list, and, in ability to write, they are second only to Nebraska. Only four states, viz.: New York, Pennsylvania, Ohio and Illinois have a greater number of school houses, or employ more teachers than our own state.



STATE INSTITUTIONS.

Iowa has been very liberal in establishing the higher institutions of learning, and providing for the unfortunate of all classes. The State University was authorized by the constitution and permanently located at Iowa City, in Johnson Co. The other institutions have been established by acts of the general assembly passed at different times in our history.

STATE UNIVERSITY.

The object of the State University, is to furnish young men and women the best means of obtaining a liberal education in the different departments of literature, and the applications of the various arts and sciences. It is intended that the work of this institution shall commence, where that of the best high schools of the State ends. There are three departments, the *academical*, the *department of law*, and the *department of medicine*. The academical department has four courses of study, *classical*, *philosophical*, *scientific*, and *civil engineering*. These courses are prepared with a view to meeting the wants of all who apply for admission as students. The design of the other departments is to fit students for the best work in their respective callings.

The University is governed by a board of regents, and can never be under the exclusive control of any

religious denomination. The board of regents consists of the governor of the state who is president of the board, *ex-officio*, the president of the State University, the superintendent of public instruction, and one member from each congressional district. The first three are members by virtue of the offices held by them, the others are elected by the general assembly, in joint convention for six years, one-third, as nearly as possible, being chosen at each regular session.

STATE AGRICULTURAL COLLEGE,

The State Agricultural College and Farm were provided for by the general assembly, in the year 1858. Commissioners were soon afterwards appointed, and the farm and site for the buildings were located at Ames, in Story Co. The farm consists of about eight hundred acres of dry rolling prairie, and one hundred and fifty acres of valuable timber. There is a never-failing spring of water near the centre of the farm, a good stone quarry not far distant, and plenty of clay for use in making bricks.

In 1862, two hundred and forty thousand acres of land were granted by congress for the benefit of this school, and the interest on the fund arising from the sale of this land, furnishes abundant means for its support. An additional grant of five sections in Jasper Co., was also made, and the general assembly has, at various times, increased its resources by liberal appropriations. The management is placed in the hands of a board of trustees, consisting of one member from each congressional district, chosen in the same manner as regents of the State University, together with the governor and superintendent of public instruction.

The design of the college is to furnish instruction in all the arts and sciences that have any bearing upon agriculture. Tuition is free to all inhabitants of the state over sixteen years of age. Each county is entitled to send three pupils to the college, and the trustees to designate the further number that any county may send.

STATE NORMAL SCHOOL.

The State Normal School was established by act of the legislature, approved, March 28, 1876, and located at Cedar Falls, in Black Hawk Co. The buildings and grounds, formerly used for the Soldiers' Orphans' Home, were appropriated to its use, and the school was formally opened in September, 1876. It is managed by a board of directors, consisting of six members, who are elected by the general assembly, in joint convention, two at each regular session.

There are now two courses, the *didactic* and the *scientific*. The former requires three years' study, and the latter, four years'. The object of the school, is to provide for the special instruction and training of teachers for the common schools of the State. The course of study embraces Literature, Mathematics, History, the elements of the Sciences and Didactics. *How to teach* each subject pursued is made a prominent feature in all the work of the school. The Nineteenth General Assembly, appropriated thirty thousand dollars for the erection of an additional building, which was completed the following year, 1883. Four hundred students can now be accommodated.

COLLEGE FOR THE BLIND.

This college was opened for the reception of pupils at Iowa City, April 4, 1853. Five years later, the

board of trustees met at Vinton, Burton Co., and, in accordance with law, began the erection of a suitable building at that place. In 1862, the building was so far completed, that the school, consisting of about forty pupils, was opened in it. The institution is under the management of a board of trustees six in number, three of whom are elected at each regular session of the general assembly for the term of four years.

All blind persons of suitable age, residents of the state, may receive an education here free of charge, and residents of other states may be admitted upon the payment of their estimated expenses, quarterly in advance. No person from another state will be received to the exclusion of any resident of Iowa. There is an industrial school connected with the college, for the benefit of all blind persons who are dependent upon themselves for support.

INSTITUTION FOR THE DEAF AND DUMB.

The Institution for the Deaf and Dumb was established at Iowa City, in 1853, permanently located at Council Bluffs, July 4, 1866, and removed to that place in 1871. Every deaf and dumb child in the state, of suitable age, is entitled to an education in this school, at the expense of the state. The instruction given is of a very practical nature, and the course of study embraces those branches that will be of the greatest benefit to the pupils. There are several work-shops connected with the institution, and its inmates are allowed to learn any of the trades represented. The trustees are elected by the general assembly, in joint convention, for six years, one at each regular session.

SOLDIERS' ORPHANS' HOME.

To Mrs. Annie Wittenmeyer belongs the credit of securing a home for the soldiers' orphans of Iowa. In October, 1863, a convention was called to meet at Muscatine for the purpose of devising some means for the support and education of these children. An association was formed and plans were perfected for soliciting contributions. A building at Lawrence, Van Buren Co., was leased, and twenty-one orphans were admitted in July, 1864. The home was sustained by contributions until 1866, when the state assumed control of it.

For a time, there was a soldiers' orphans' home at each of the following places: Cedar Falls, Black Hawk Co., Glenwood, Mills Co., and Davenport, Scott Co. Only the one at Davenport has been retained, the building at Glenwood having been converted to the use of the Institution for the Feeble-Minded, and the one at Cedar Falls to the use of the State Normal School. Three trustees are elected for two years at each regular session of the general assembly.

HOSPITAL FOR THE INSANE.

This institution was authorized by the general assembly in 1855, but it was not open to receive patients until March, 1861. It is located at Mt. Pleasant, Henry Co. An additional hospital for the insane was established at Independence, Buchanan Co., in 1868. The Twentieth General Assembly also authorized a hospital of this kind, to be located somewhere in the south-western part of the state.

In each county there is a board of commissioners of insanity, consisting of the clerk of the circuit court,

and two others appointed by the judge of the circuit court, one of whom must be a practicing lawyer and the other a practicing physician. All applications for the admission of insane persons to the hospital must be made to these commissioners. After the person supposed to be insane has been examined in the manner prescribed by law, the commissioners decide whether he shall be sent to the hospital or not. The board and other expenses of the insane, are paid from the receipts of a tax levied for this purpose, by the supervisors of the respective counties.

INSTITUTION FOR THE FEEBLE-MINDED.

In the words of the statute, "The purposes of this institution are to train, instruct, support, and care for feeble-minded children." It is located at Glenwood, Mills Co. The management is in the hands of a superintendent, who is appointed by the board of trustees. He gives bonds for the faithful performance of his duties, in such a sum, as the trustees may direct. Every resident of the state between the ages of five and eighteen years who, by reason of deficient intellect is rendered unable to acquire an education in the common schools, is entitled to the advantages offered by this institution, free of charge.

The term "feeble-minded" is intended to include idiotic children, and a separate department is provided for those who cannot be benefited by educational training. Any inmate of the institution, may be returned to the parent or guardian, whenever the trustees may direct. The trustees are three in number, and are chosen by the general assembly, one at each regular session.

REFORM SCHOOL.

This school was established in Lee Co., in March, 1868, and in October of the same year, the first inmate was received. In 1873, the school was removed to Eldora, Hardin Co., and some time after, 1880, a law was passed removing the girls to a separate school at Mitchellville, Polk Co.

These schools are intended for the reformation of such boys and girls under eighteen years of age as may be committed to them. Any person under sixteen years of age, who is found to be guilty of any crime except murder, may be sent to this school upon the order of the judge of the court in which he was convicted. Instruction is given in morality, and in such branches of study as the trustees prescribe. A certain amount of labor, varying with the age, strength, and capacity, is performed by each pupil. With the consent of the parents or guardians, pupils may be bound out to service until the time of their majority. The trustees, in whose care the schools are placed, are elected by the general assembly, in joint convention, for a term of six years. They are five in number, and both schools are under the control of the same board.

PENITENTIARIES.

In addition to the institutions already mentioned, the state has been obliged to make provisions for restraining criminals, and especially those guilty of felony. Public offences are of two kinds, felonies and misdemeanors. A felony is a crime which is punishable by imprisonment in the penitentiary. All other crimes are misdemeanors. The first steps towards establishing a penitentiary were taken by the territorial legis-

lature, in 1839. Directors were appointed to superintend the construction of the building which was to be located at Ft. Madison, Lee Co. An additional penitentiary was established at Anamosa, Jones Co., by the Fourteenth General Assembly. In May, 1873, twenty convicts were transferred from the penitentiary at Ft. Madison to the new one at Anamosa.

The building at the latter place is of stone, and much of the work of quarrying, as well as building was done by the convicts themselves. The discipline is rigid, but humane. The convicts learn various trades, and their labor is sold to contractors, the work being done within the penitentiary with machines and tools belonging to the state.

Each penitentiary is under the control of a warden, who is subject to the governor of the state. The wardens are elected by joint ballot of the general assembly, and hold their offices two years. They are responsible for the government and discipline of the inmates of the prisons, and the receipts and disbursements of all moneys belonging to the institutions. The warden of each penitentiary is obliged to give bonds to the amount of fifty thousand dollars, for the faithful performance of his duties. He is obliged to report, once a month a complete statement of all official acts performed by him, since his last report, with a full account of the receipts and expenditures of the prison under his control. The other officers are the deputy warden, the chaplain, the physician and the guards.

Every prisoner sentenced to either of the penitentiaries for a term of years, or less, who does not violate the rules of discipline, is entitled to a reduction of his term of service. This reduction is one day for

the first month of good behavior, two days for the second month, three for the third, four for the fourth, and five days for each subsequent month of his term. The sum of these days, known as the prisoners "good time" is deducted from his term of service, and any prisoner who passes his full term of service, without any violation of discipline, is entitled to a restoration of his rights of citizenship. This restoration, is granted by the governor, upon the certificate of the warden, that the person released, was not guilty of violating any of the rules of the prison during his term of service.

The expenses of erecting the different public buildings and keeping them in repair, have been borne by the state. The entire amount expended for this purpose, and for meeting the contingent expenses of all the institutions, to June 30, 1883, aggregate nearly twelve millions of dollars.



CONSTITUTION OF IOWA.

Preamble.

WE, THE PEOPLE OF THE STATE OF IOWA, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of THE STATE OF IOWA, the boundaries whereof shall be as follows:

Boundary.

Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river, thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the State of Missouri—as established by the Constitution of that State, adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines river; thence westwardly along the said northern boundary line of the State of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river to a point opposite to the middle of the main channel of the Big Sioux river, according to Nicollet's map; thence up the main channel of the said Big Sioux river, according to the said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes, until said parallel intersects the middle of the main channel of the Mississippi river; thence down the middle of the main channel of the said Mississippi river to the place of beginning.

ARTICLE I.--BILL OF RIGHTS.

SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

Rights of
persons.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

Political
power.

SEC. 3. The General Assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or the maintenance of any minister or ministry.

Religion.

SEC. 4. No religious test shall be required as a qualification for any office of public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person, not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

Religious
test.

SEC. 5. Any citizen of this State who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall forever be disqualified from holding any office under the constitution and laws of this State.

Duelling.

SEC. 6. All laws of a general nature shall have a uniform operation; the General Assembly shall not grant to any citizen or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.

Laws uni-
form.

SEC. 7. Every person may speak, write and publish his sentiments on all subjects, being responsible for the

Liberty of
speech and
press.

abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appear to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

Personal security.

SEC. 8. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

Trial by jury.

SEC. 9. The right of trial by jury shall remain inviolate; but the General Assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property, without due process of law.

Rights of persons accused.

SEC. 10. In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

Indictment.

SEC. 11. All offenses less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a Justice of the Peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.

Twice tried.

SEC. 12. No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction be bailable by sufficient sureties, except for capital

Bail.

offenses, where the proof is evident, or the presumption great.

SEC. 13. The writ of habeas corpus shall not be suspended, or refused when application is made as required by law, unless in case of rebellion or invasion, the public safety may require it.

Habeas corpus.

SEC. 14. The military shall be subordinate to the civil power. No standing army shall be kept up by the State in time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

Military.

SEC. 15. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

Quartering troops.

SEC. 16. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

Treason.

SEC. 17. Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

Bail punishment.

SEC. 18. Private property shall not be taken for public use without just compensation first being made, or secured to be made, to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

Property.

SEC. 19. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a military fine in time of peace.

Imprisonment for debt.

SEC. 20. The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives, and to petition for a redress of grievances.

Petition.

SEC. 21. No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, shall ever be passed.

Attainder.

Aliens hold
property.

SEC. 22. Foreigners who are, or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and descent of property, as native-born citizens.

Slavery.

SEC. 23. There shall be no slavery in this State; nor shall there be involuntary servitude, unless for the punishment of crime.

Reservation.

SEC. 24. No lease or grant of agricultural lands, reserving any rent or service of any kind, shall be valid for a longer period than twenty years.

Adjourn-
ments.

SEC. 25. The enumeration of rights shall not be construed to impair or deny others, retained by the people.

ARTICLE II.—RIGHT OF SUFFRAGE.

Electors.

SECTION 1. Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this State six months next preceding the election, and of the county in which he claims his vote, sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

Privileges.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such elections, going to and returning therefrom.

Same.

SEC. 3. No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

"Resident."

SEC. 4. No person in the military, naval, or marine service of the United States shall be considered a resident of this State by being stationed in any garrison, barrack, or military or naval place or station within this State.

Exception.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

Ballot.

SEC. 6. All elections by the people shall be by ballot.

ARTICLE III.—OF THE DISTRIBUTION OF POWERS.

Dept's of
government.

SECTION 1. The powers of the government of Iowa shall be divided into three separate departments: The

Legislative, the Executive and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

LEGISLATIVE DEPARTMENT.

SECTION 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives; and the style of every law shall be: "*Be it enacted by the General Assembly of the State of Iowa.*"

Authority.

SEC. 2. The sessions of the General Assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the Governor of the State shall, in the meantime, convene the General Assembly by proclamation.

Sessions.

SEC. 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the Presidential election, when the election shall be on the Tuesday next after the first Monday in November; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

Members of
house of rep-
resentatives.

SEC. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty-one years, be a male citizen of the United States, and shall have been an inhabitant of this State one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county or district he may have been chosen to represent.

Eligibility

SEC. 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship.

Senators.

SEC. 6. The number of Senators shall not be less than one-third nor more than one-half the Representative body; and shall be so classified by lot, that one

Same—
classified.

class being as nearly one-half as possible, shall be elected every two years. When the number of Senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.

Elections determined.

SEC. 7. Each House shall choose its own officers, and judge of the qualification, election and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

Quorum.

SEC. 8. A majority of each House shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each House may provide.

Authority of the House.

SEC. 9. Each House shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same offense; and shall have all other power necessary for a branch of the General Assembly of a free and independent State.

Protest.

SEC. 10. Every member of the General Assembly shall have the liberty of dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either House, on any question, shall, at the desire of any two members present, be entered on the journals.

Privilege.

SEC. 11. Senators and Representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same.

Vacancies.

SEC. 12. When vacancies occur in either House, the Governor, or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies.

Doors open.

SEC. 13. The doors of each House shall be open, except on such occasions as, in the opinion of the House, may require secrecy.

SEC. 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

Adjournment.

SEC. 15. Bills may originate in either House, and may be amended, altered or rejected by the other; and every bill having passed both Houses, shall be signed by the Speaker and President of their respective Houses.

Bills.

SEC. 16. Every bill which shall have passed the General Assembly shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it originated, which shall enter the same upon their journal, and proceed to reconsider it; if, after such reconsideration, it again pass both Houses, by yeas and nays, by a majority of two-thirds of the members of each House, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within three days after it shall have been presented to him (Sunday excepted), the same shall be a law in like manner as if he had signed it, unless the General Assembly, by adjournment, prevent such return. Any bill submitted to the Governor for his approval during the last three days of a session of the General Assembly, shall be deposited by him in the office of the Secretary of State within thirty days after the adjournment, with his approval, if approved by him, and with his objections if he disapproves thereof.

To be approved, etc.

SEC. 17. No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered upon the journal.

Same.

SEC. 18. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the General Assembly.

Receipts and expenditures.

SEC. 19. The House of Representatives shall have the sole power of impeachment and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and

Impeachment.

no person shall be convicted without the concurrence of two-thirds of the members present.

Who liable to judgment.

SEC. 20. The Governor, Judges of the Supreme and District Courts, and other State officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under this State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the General Assembly may provide.

Members not appointed to offices.

SEC. 21. No Senator or Representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

Disqualification.

SEC. 22. No person holding any lucrative office under the United States, or this State, or any other power, shall be eligible to hold a seat in the General Assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster, whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

Same.

SEC. 23. No person who may hereafter be a collector or holder of public moneys, shall have a seat in either House of the General Assembly, or be eligible to hold any office of trust or profit in this State, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

Money drawn.

SEC. 24. No money shall be drawn from the treasury but in consequence of appropriations made by law.

Compensation of members.

SEC. 25. Each member of the first General Assembly under this Constitution shall receive three dollars per diem while in session; and the further sum of three dollars for every twenty miles traveled in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall

receive such compensation as shall be fixed by law; but no General Assembly shall have the power to increase the compensation of its members. And when convened in extra session they shall receive the same mileage and per diem compensation as fixed by law for the regular session, and none other.

SEC. 26. No law of the General Assembly, passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session shall take effect ninety days after the adjournment of the General Assembly by which they were passed. If the General Assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the State.

Laws.

SEC. 27. No divorce shall be granted by the General Assembly.

Publication.
Divorce.

SEC. 28. No lottery shall be authorized by this State; nor shall the sale of lottery tickets be allowed.

Lotteries.

SEC. 29. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

Acts.

SEC. 30. The General Assembly shall not pass local or special laws in the following cases:

Local or special laws.

For the assessment and collection of taxes for State, county, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all the cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the State; and no law changing the boundary lines of any county shall have effect until, upon being submit-

led to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

Extra com-
pensation.

SEC. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation or claim be allowed by two-thirds of the members elected to each branch of the General Assembly.

Oath of mem-
bers.

SEC. 32. Members of the General Assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the constitution of the State of Iowa, and that I will faithfully discharge the duties of Senator (or Representative, as the case may be), according to the best of my ability;" and members of the General Assembly are hereby empowered to administer to each other the said oath or affirmation.

Census.

SEC. 33. The General Assembly shall, in the years one thousand eight hundred and fifty-nine one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-five, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the State.

Apportionment.

SEC. 34. The number of Senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties according to the number of inhabitants in each:

Districts.

SEC. 35. The Senate shall not consist of more than fifty members, nor the House of Representatives of more than one hundred; and they shall be apportioned

among the several counties and representative districts of the State according to the number of inhabitants in each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one Representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one Representative; and any one county containing, in addition to the ratio fixed by law, one-half of that number, or more, shall be entitled to one additional Representative. No floating district shall hereafter be formed.

SEC. 36. At its first session under this Constitution, and at every subsequent regular session, the General Assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a Representative.

Rates of representation.

SEC. 37. When a Congressional, Senatorial, or Representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a Congressional, Senatorial, or Representative district.

Districts.

SEC. 38. In all elections by the General Assembly, the members thereof shall vote *Viva Voce*; and the votes shall be entered on the journal.

Elections by general assembly.

ARTICLE IV.—EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of Iowa.

Governor.

SEC. 2. The Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.

Election and term.

SEC. 3. There shall be a Lieutenant-Governor, who shall hold his office two years, and be elected at the same time as the Governor. In voting for Governor and Lieutenant-Governor, the electors shall designate for whom they vote as Governor, and for whom as

Lieutenant Governor.

Lieutenant-Governor. The returns of every election for Governor and Lieutenant-Governor shall be sealed up and transmitted to the seat of Government of the State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

Returns of elections.

SEC. 4. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be declared duly elected; but in case two or more persons shall have an equal, and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of said persons Governor, or Lieutenant-Governor, as the case may be.

Contested elections.

SEC. 5. Contested elections for Governor or Lieutenant-Governor, shall be determined by the General Assembly in such manner as may be prescribed by law.

Eligibility.

SEC. 6. No person shall be eligible to the office of Governor or Lieutenant-Governor, who shall not have been a citizen of the United States and a resident of the State two years next preceding the election, and attained the age of thirty years at the time of said election.

Command.

SEC. 7. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

Duties.

SEC. 8. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the Executive Department upon any subject relating to the duties of their respective offices.

Same.

SEC. 9. He shall take care that the laws are faithfully executed.

Vacancies.

SEC. 10. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the General Assembly, or at the next election by the people.

Convening assembly.

SEC. 11. He may, on extraordinary occasions, convene the General Assembly by proclamation, and shall state to both Houses, when assembled, the purpose for which they shall have been convened.

SEC. 12. He shall communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommend such matters as he shall deem expedient.

Message.

SEC. 13. In case of disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the General Assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next General Assembly.

Adjournment

SEC. 14. No person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor or Lieutenant-Governor, except as hereinafter expressly provided.

Disqualification.

SEC. 15. The official term of the Governor and Lieutenant-Governor, shall commence on the second Monday of January next after their election, and continue for two years, and until their successors are elected and qualified. The Lieutenant-Governor, while acting as Governor, shall receive the same pay as provided for Governor; and while presiding in the Senate, shall receive as compensation therefor the same mileage and double the per diem pay provided for a Senator, and none other.

Term.

SEC. 16. The Governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the General Assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Pardons, etc.

Lieutenant
act as gov-
ernor.

SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the Governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the Lieutenant-Governor.

Further va-
cancies pro-
vided for.

SEC. 18. The Lieutenant-Governor shall be President of the Senate, but shall only vote when the Senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of Governor, the Senate shall choose a President *pro tempore*.

Same.

SEC. 19. If the Lieutenant-Governor, while acting as Governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the President *pro tempore* of the Senate shall act as Governor until the vacancy is filled, or the disability removed; and if the President of the Senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of Governor, the same shall devolve upon the Speaker of the House of Representatives.

Seal of State.

SEC. 20. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the Great Seal of the State of Iowa.

Commissions,
etc.

SEC. 21. All grants and commissions shall be in the name and by the authority of the people of the State of Iowa, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Secretary,
Auditor,
and Treas-
urer.

SEC. 22. A Secretary of State, Auditor of State, and Treasurer of State, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified, and perform such duties as may be required by law.

ARTICLE V.—JUDICIAL DEPARTMENT.

Courts.

SECTION 1. The Judicial power shall be vested in a Supreme Court, District Court, and such other Courts, inferior to the Supreme Court, as the General Assembly may, from time to time, establish.

SEC. 2. The Supreme Court shall consist of three Judges, two of whom shall constitute a quorum to hold Court.

Supreme court.

SEC. 3. The Judges of the Supreme Court shall be elected by the qualified electors of the State, and shall hold their Court at such time and place as the General Assembly may prescribe. The Judges of the Supreme Court, so elected, shall be classified so that one Judge shall go out of office every two years; and the Judge holding the shortest term of office, under such classification, shall be Chief Justice of the Court during his term, and so on in rotation. After the expiration of their terms of office, under such classification, the term of each Judge of the Supreme Court shall be six years, and until his successor shall have been elected and qualified. The Judges of the Supreme Court shall be ineligible to any other office in the State during the term for which they have been elected.

Judges elected.

SEC. 4. The Supreme Court shall have appellate jurisdiction only in cases in chancery, and shall constitute a Court for the correction of errors at law, under such restrictions as the General Assembly may by law prescribe; and shall have power to issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the State.

Jurisdiction.

SEC. 5. The District Court shall consist of a single Judge, who shall be elected by the qualified electors of the District in which he resides. The Judge of the District Court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of Judge of the Supreme Court, during the term for which he was elected.

District judges elected.

SEC. 6. The District Court shall be a Court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts in such manner as shall be prescribed by law.

Jurisdiction

Conservators
of the
peace.

SEC. 7. The Judges of the Supreme and District Courts shall be conservators of the peace throughout the State.

Style of pro-
cess.

SEC. 8. The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

Salaries.

SEC. 9. The salary of each Judge of the Supreme Court shall be two thousand per annum, and that of each District Judge one thousand six hundred dollars per annum, until the year eighteen hundred and sixty; after which time they shall severally receive such compensation as the General Assembly may, by law, prescribe, which compensation shall not be increased or diminished during the term for which they shall have been elected.

Judicial dis-
tricts.

SEC. 10. The State shall be divided into eleven Judicial Districts, and after the year eighteen hundred and sixty, the General Assembly may reorganize the Judicial Districts, and increase or diminish the number of Districts, or the number of Judges of the said Court, and may increase the number of Judges of the Supreme Court; but such increase or diminution shall not be more than one District, or one Judge of either Court, at any one session, and no reorganization of the Districts, or diminution of the number of Judges, shall have the effect of removing a Judge from office. Such reorganization of the Districts, or any change in the boundaries thereof, or increase or diminution of the number of Judges, shall take place every four years thereafter, if necessary, and at no other time.

When chosen.

SEC. 11. The Judges of the Supreme and District Courts shall be chosen at the general election; and the term of office of each Judge shall commence on the first day of January next after his election.

Attorney-gen-
eral.

SEC. 12. The General Assembly shall provide by law for the election of an Attorney-General by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.

Elected; dis-
qualification.

SEC. 13. The qualified electors of each Judicial District shall, at the time of the election of District Judge, elect a District Attorney, who shall be a resident

of the District for which he is elected, and who shall hold his office for the term of four years, and until his successor shall have been elected and qualified.

SEC. 14. It shall be the duty of the General Assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the Courts of this State.

Duty of general assembly.

ARTICLE VI.—MILITIA.

SECTION 1. The militia of this State shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are, or may hereafter be, exempt by the laws of the United States, or of this state, and shall be armed, equipped, and trained, as the General Assembly may provide by law.

Who constitute.

SEC. 2. No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace; *Provided*, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

Qualification.

SEC. 3. All commissioned officers of the militia (staff officers excepted) shall be elected by persons liable to perform military duty, and shall be commissioned by the Governor.

Officers.

ARTICLE VII.—STATE DEBTS.

SECTION 1. The credit of the State shall not, in any manner, be given or loaned to, or in aid of, any individual, association or corporation; and the State shall never assume, or become responsible for, the debts or liabilities of any individual, association, or corporation, unless incurred in time of war for the benefit of the State.

Limitation of State indebtedness.

SEC. 2. The State may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the General Assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars, and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to

Same.

repay the debts so contracted, and to no other purpose whatever.

Losses to
school-fund
audited.

SEC. 3. All losses to the Permanent, School, or University fund of this State, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the State. The amount so audited shall be a permanent funded debt against the State, in favor of the respective fund, sustaining the loss, upon which not less than six per cent. annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

For what
other pur-
pose State
may con-
tract deb'ts.

SEC. 4. In addition to the above limited power to contract debts, the State may contract debts to repel invasion, suppress insurrection, or defend the State in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

(a). Other
debts to be
authorized
by special
law.

SEC. 5. Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by or on behalf of this State, unless such debt, shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until, at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the State, for three months preceding the election at which it is submitted to the people.

(b). Submit-
ted to the
people.

SEC. 6. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time forbid the contracting of any further debt or liability under such law; but the tax imposed by such law, in proportion to the debt or liability which may have been contracted in pursuance thereof, shall remain in force and be irrevocable, and be annually collected, until the principal and interest are fully paid.

Legislature
may repeal.

SEC. 7. Every law which imposes, continues, or revives a tax, shall distinctly state the tax, and the object to which it is to be applied; and it shall not be sufficient to refer to any other law to fix such tax or object.

Tax imposed
distinctly
stated.

ARTICLE VIII.—CORPORATIONS.

SECTION 1. No corporation shall be created by special laws; but the General Assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

Corporations,
how cre-
ated.

SEC. 2. The property for all corporations for pecuniary profit shall be subject to taxation, the same as that of individuals.

Property tax-
able.

SEC. 3. The State shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war, for the benefit of the State.

State not to be
a stockhold-
er.

SEC. 4. No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

Corporation
not to be a
stockholder.

SEC. 5. No act of the General Assembly, authorizing or creating corporations or associations with banking powers, nor amendments thereto, shall take effect or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

Act creating
corporation
submitted to
the people.

SEC. 6. Subject to the provisions of the foregoing section, the General Assembly may also provide for the establishment of a State Bank, with branches.

State bank.

Founded on
specie basis.

SEC. 7. If a State Bank be established, it shall be founded on an actual specie basis, and the branches shall be mutually responsible for each others liabilities upon all notes, bills, and other issues intended for circulation as money.

General bank-
ing law to
provide for.

SEC. 8. If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of State, of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the State Treasurer, in United States stocks, or in interest paying stocks of States in good credit and standing, to be rated at ten per cent. below their average value in the city of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of such stocks, to the amount of ten per cent. on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer and to whom.

Stockholders
responsible.

SEC. 9. Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all of its liabilities, accruing while he or she remains such stockholder.

Bill holders to
have prefer-
ence.

SEC. 10. In case of the insolvency of any banking institution, the bill holders shall have a preference over its other creditors.

Suspension of
specie pay-
ment.

SEC. 11. The suspension of specie payments by banking institutions shall never be permitted or sanctioned.

General as-
sembly may
amend or re-
peal by two-
thirds vote.

SEC. 12. Subject to the provisions of this article, the General Assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each branch of the General Assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

ARTICLE IX.—EDUCATION AND SCHOOL
LANDS.

FIRST—EDUCATION.

SECTION 1. The educational interest of the State, including Common Schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the Lieutenant-Governor, who shall be the presiding officer of the Board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the State.

Board of education.

SEC. 2. No person shall be eligible as a member of said Board who shall not have attained the age of twenty-five years, and shall have been one year a citizen of the State.

Who eligible.

SEC. 3. One member of said Board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this Constitution, the Board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years, and one-half of the Board shall be chosen every two years thereafter.

How elected;
how divided.

SEC. 4. The first session of the Board of Education shall be held at the Seat of Government, on the first Monday of December after their election, after which the General Assembly, may fix the time and place of meeting.

First session
held.

SEC. 5. The session of the Board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the recommendation of two-thirds of the Board, the Governor may order a special session.

Limited to
twenty days.

SEC. 6. The Board of Education shall appoint a Secretary who shall be the executive officer of the Board, and perform such duties as may be imposed upon him by the Board, and the laws of the State. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the General Assembly.

Secretary.

Rules and
regulations
of board.

SEC. 7. All rules and regulations made by the Board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the Board, and when so made, published, and distributed, they shall have the force and effect of law.

Powers: rules,
how repeal-
ed.

SEC. 8. The Board of Education shall have full power and authority to legislate and make all needful rules and regulations in relation to Common Schools, and other educational institutions that are instituted, to receive aid from the School or University fund of this State; but all acts, rules and regulations of said Board may be altered, amended, or repealed by the General Assembly, and when so altered, amended, or repealed, they shall not be re-enacted by the Board of Education.

Governor, *ex-*
officio, a
member.

SEC. 9. The Governor of the State shall be, *ex-officio*, a member of said Board.

Contingent.

SEC. 10. The Board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the General Assembly.

State Univer-
sity.

SEC. 11. The State University shall be established at one place without branches at any other place, and the University fund shall be applied to that institution and no other.

Board of Edu-
cation to
provide for
education of
youths of
the State.

SEC. 12. The Board of Education shall provide for the education of all the youths of the State, through a system of common schools, and such schools shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school, as aforesaid, may be deprived of their portion of the school fund.

Compensation.

SEC. 13. The members of the Board of Education shall each receive the same per diem during the time of their session, and mileage going to and returning therefrom, as members of the General Assembly.

Quorum; style
of acts.

SEC. 14. A majority of the Board shall constitute a quorum for the transaction of business; but no rule, regulation, or law for the government of common schools or other educational institutions shall pass without the concurrence of a majority of all the members of the

Board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the Board shall be: "Be it enacted by the Board of Education of the State of Iowa."

SEC. 15. At any time after the year one thousand eight hundred and sixty-three, the General Assembly shall have power to abolish or reorganize said Board of Education, and provide for the educational interests of the State in any other manner that to them shall seem best and proper.

When Board
may be
abolished.

SECOND—SCHOOL FUNDS AND SCHOOL LANDS.

SECTION 1. The educational and school funds and lands shall be under the control and management of the General Assembly of this State.

Under control
of General
Assembly.

SEC. 2. The University lands, and the proceeds thereof, and all moneys belonging to said fund shall be a permanent fund for the sole use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

Permanent
fund.

SEC. 3. The General Assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this State, for the support of schools, which may have been or shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an act of Congress, distributing the proceeds of the public lands among the several States of the Union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such percent. as has been or may hereafter be granted by Congress, on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the General Assembly may provide, shall be inviolably appropriated to the support of common schools throughout the State.

Lands appro-
priated to
educational
purposes.

Fines and forfeiture-,
how appropriated.

SEC. 4. The money which may have been or shall be paid by persons as an equivalent from exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries. as the Board of Education shall from time to time provide.

(a). Lands reserved or granted, or funds accruing from sale thereof, to be a permanent fund.

SEC. 5. The General Assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be, reserved, or granted by the United States, or any person or persons, to this State, for the use of the University, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant; and it shall be the duty of the General Assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

(b). Interest applied.

SEC. 6. The financial agents of the school funds shall be the same that by law receive and control the State and county revenue, for other civil purposes, under such regulations as may be provided by law.

Who agents of school funds.

Money to be distributed.

SEC. 7. The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths between the ages of five and twenty-one years, in such manner as may be provided by the General Assembly.

ARTICLE X.—AMENDMENTS TO THE CONSTITUTION.

Constitution.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either House of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two

Houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the Legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the General Assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the General Assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the General Assembly, voting thereon, such amendment or amendments shall become a part of the Constitution of this State.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

More than
one.

SEC. 3. At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may by law provide, the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.

Convention.

ARTICLE XI.—MISCELLANEOUS.

SECTION 1. The jurisdiction of Justices of the Peace shall extend to all civil cases (except cases in chancery, and cases where the question of title to real estate may arise) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may

Jurisdiction
of Justice of
the Peace,

be extended to any amount not exceeding three hundred dollars.

Counties.

SEC. 2. No new county shall be hereafter created containing less than four hundred and thirty-two square miles, nor shall the territory of any organized county be reduced below that area, except the county of Worth, and the counties west of it, along the northern boundary of this State may be organized without additional territory.

To what amount
counties may
become in-
debted.

SEC. 3. No county, or other political or municipal corporation, shall be allowed to become indebted, in any manner or for any purpose, to an amount, in the aggregate, exceeding five per centum of the value of the taxable property within such county or corporation—to be ascertained by the last State and county tax lists, previous to the incurring of such indebtedness.

Boundaries.

SEC. 4. The boundaries of the State may be enlarged, with the consent of Congress and the General Assembly.

Oath of office.

SEC. 5. Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

How vacancies
filled.

SEC. 6. In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office shall hold until the next general election, and until their successors are elected and qualified.

How lands
granted may
be located.

SEC. 7. The General Assembly shall not locate any of the public lands which have been or may be granted by Congress to this State, and the location of which may be given to the General Assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted shall not exceed three hundred and twenty acres.

Seat of gov-
ernment.

SEC. 8. The seat of government is hereby permanently established, as now fixed by law, at the city of Des Moines, in the county of Polk; and the State University at Iowa City, in the county of Johnson.

ARTICLE XII.—SCHEDULE.

SECTION 1. The Constitution shall be the supreme law of the State, and any law inconsistent therewith shall be void. The General Assembly shall pass all laws necessary to carry this Constitution into effect.

Supreme Court of the State.

SEC. 2. All laws now in force and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

Laws in force

SEC. 3. All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions, shall be carried on in the several courts, in the same manner as now provided by law, and all offenses, misdemeanors and crimes that may have been committed before the taking effect of this Constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been had not this Constitution been made.

Legal process not affected.

SEC. 4. All fines, penalties, or forfeitures due, or to become due, or accruing to the State, or to any county therein, or to the school fund, shall inure to the State, county, or school fund, in the manner prescribed by law.

Fines, etc., inure to the State.

SEC. 5. All bonds executed to the State, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

Bonds in force.

SEC. 6. The election under this Constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty-seven, at which time the electors of the State shall elect the Governor and Lieutenant-Governor. There shall also be elected at such election the successors of such State Senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the House of Representatives, who shall be elected in accordance with the act of apportionment, enacted at the session of the General Assembly which commenced on the first Monday of December, one thousand eight hundred and fifty-six.

(a). First election.

(b). Governor and Lieutenant-Governor.

SEC. 7. The first election for Secretary, Auditor, and Treasurer of State, Attorney-General, District

Same: Secretary, Auditor, etc.

Judges, Members of the Board of Education, District Attorneys, Members of Congress, and such State officers as shall be elected at the April election, in the year one thousand eight hundred and fifty-seven (except the Superintendent of Public Instruction), and such county officers as were elected at the August election, in the year one thousand eight hundred and fifty-six, except Prosecuting Attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: *Provided*, that the time for which any District Judge or other State or county officer elected at the April election in the year one thousand eight hundred and fifty-eight, shall not extend beyond the time fixed for filling like offices at the October election, in the year one thousand eight hundred and fifty-eight.

Same: Judges
of Supreme
Court.

SEC. 8. The first election for Judges of the Supreme Court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.

First session
General
Assembly.

SEC. 9. The first regular session of the General Assembly shall be held in the year one thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

Senators.

SEC. 10. Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine, at which time their successor shall be elected as may be prescribed by law.

Offices not
vacated by
new Consti-
tution.

SEC. 11. Every person elected by popular vote, by a vote of the General Assembly, or who may hold office by executive appointment, which office is continued by this Constitution, and every person who shall be so elected or appointed to any such office, before the taking effect of this Constitution (except as in this Constitution otherwise provided), shall continue in office until the term for which such person has been or may be elected or appointed shall expire; but no such person shall con-

tinue in office after the taking effect of this Constitution, for a longer period than the term of such office, in this Constitution prescribed.

SEC. 12. The General Assembly, at the first session under this Constitution, shall district the State into eleven Judicial Districts, for District Court purposes; and shall also provide for the apportionment of the members of the General Assembly in accordance with the provisions of this Constitution.

State to be
districted.

SEC. 13. This Constitution shall be submitted to the electors of the State at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this State. The ballots at such election shall be written or printed, as follows: Those in favor of the Constitution, "New Constitution—Yes." Those against the Constitution, "New Constitution—No." The election shall be conducted in the same manner as the general elections of the State, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the Code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of State officers; and if it shall appear that a majority of all the votes cast at such election for and against this Constitution are in favor of the same, the Governor shall immediately issue his proclamation stating that fact, and such Constitution shall be the Constitution of the State of Iowa, and shall take effect from and after the publication of said proclamation.

Constitution
to be voted
for August,
1850.

SEC. 14. At the same election that this Constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white" from the article on the "Right of Suffrage," shall be separately submitted to the electors of this State for adoption or rejection, in the manner following, viz.: A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box. And those given for the adoption of such proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of

Proposition
to strike
out the
word white.

Suffrage?' Yes." And those given against the proposition shall have the words, " Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' No." And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this Constitution, then said word "white" shall be stricken from said article and be no part thereof.

Mills County.

SEC. 15. Until otherwise directed by law, the county of Mills shall be in and a part of the Sixth Judicial District of this State.

Done in Convention at Iowa City, this fifth day of March, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States of America the eighty-first.

SIGNERS:

TIMOTHY DAY,
S. G. WINCHESTER,
DAVID BUNKER,
D. P. PALMER,
GEO. W. ELLS,
J. C. HALL,
JOHN H. PETERS,
WM. H. WARREN,
H. W. GRAY,
ROBT. GOWER,
H. D. GIBSON,
THOMAS SEELEY,
A. H. MARVIN,
J. H. EMERSON,
R. L. B. CLARKE,
JAMES A. YOUNG,
D. H. SOLOMON,

W. W. ROBINSON,
LEWIS TODHUNTER,
JOHN EDWARDS,
J. C. TRAER,
JAMES F. WILSON,
AMOS HARRIS,
JNO. T. CLARKE,
S. AYRES,
HARVEY J. SKIFF,
J. A. PARVIN,
W. PENN CLARK,
JERE HOLLINGSWORTH,
WM. PATTERSON,
D. W. PRICE,
ALPHEAS SCOTT,
GEO. GILLASPY,
EDWARD JOHNSTON.

Attest:

FRANCIS SPRINGER, *Pres.*

TH. J. SAUNDERS, *Sec'y.*

E. N. BATES, *Assistant Sec'y.*



CIVIL GOVERNMENT OF IOWA.

DEPARTMENT OF GOVERNMENT.

Before discussing the departments of government, it will be well to learn something of the nature of a constitution, as well as the history of the constitution of our own State. A constitution has been called *the fundamental law*, because it is the foundation of all legislative acts, and no valid law can be passed in violation of its provisions. It is in the nature of a contract between the general government of the state and the people themselves, whereby the powers of the former are defined, and the rights of the latter maintained.

The constitution, adopted by the people of Iowa just before the state was admitted into the Union, is known as the "old constitution." Some of its provisions proved to be unsatisfactory, and, in the early part of 1857, a convention met at Iowa City, and drafted the present constitution of the state. The work of this convention was completed March 5th. of that year. Several of its members have since held important positions in state and nation.

By its own terms, this draft of a constitution was submitted to the electors of the state at an election held in August, 1857. A majority of the votes cast at that time were in favor of its adoption, and the governor immediately issued a proclamation declaring this new constitution to be the supreme law of Iowa.

The preamble, or introduction to the constitution is as follows: *We, the People of the State of Iowa*, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of *The State of Iowa*, the boundaries whereof shall be as follows: (For boundaries, see Const., page 22). The preamble is not a part of the constitution, but is designed to show the reason for its establishment.

ARTICLE I.—BILL OF RIGHTS.

Section *one* of the first article of the Constitution defines the civil rights of the inhabitants of the state. It declares that all men are, by nature, free and equal, and that they are endowed with certain inalienable rights. The rights enumerated are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness. These rights of the people are recognized by all free governments, and must be, in the very nature of things. They are called inalienable rights, because they cannot be taken away so long as the government exists.

The *second* section declares all political power to be vested in the people of the state. Government is instituted for the good of the people, and they have the right to alter or reform the same, whenever the public good may require it. The essence of all free government is contained in the expression, "A government of the people, by the people, and for the people."

Section *three* prohibits the legislature from passing any law to establish uniformity of religion, or to restrict

the religious liberty of the people. It forbids the laying of tithes, taxes, or other rates for building places of worship or maintaining the ministry. The religious freedom, sought by so many of the early settlers of our country, is guaranteed to all persons within the borders of Iowa.

Section *four* forbids the requirement of any religious test as a qualification for any office of public trust, and declares that no person shall be deprived of any rights, privileges, or capacities on account of his opinions on religious matters. This is in accordance with the spirit of the constitution of the United States, upon which the state constitution is based. This section also provides that parties to any suits of law are competent to serve as witnesses in such suits.

Section *five* declares any citizen of the state who shall engage in a duel, either as principal or accessory, to be forever disqualified from holding any office under the constitution and laws of the state. This shows the growth in sentiment with regard to the practice of duelling. Hamilton, Burr, Jackson, Clay, and many other prominent men in the early history of our government, resorted to this barbarous way of settling their "affairs of honor."

By section *six*, the general assembly is forbidden to grant any citizen, or class of citizens, privileges or immunities, which shall not apply to all other persons, under the same circumstances. All laws of a general nature must be uniform in their operation. It is a fundamental principle of all free government that there shall be no privileged classes. The next section gives every person the right to speak, write, and publish his sentiments on any, and all, subjects. By its provis-

ions, no law can be passed to restrict liberty of speech or of the press, but any person is liable to prosecution for the abuse of this right. In all prosecutions for libel, if it can be proven, that the matter charged as libelous, is true, the person accused shall be acquitted. Article *one* of the amendments to the constitution of the United States insures the same freedom to all the people of the United States.

Section *eight* of this article is a verbatim reprint of the fourth article of amendment to the constitution of the United States.

Section *nine* provides for maintaining inviolate the right of trial by jury, but authorizes the general assembly to establish a jury of a less number than twelve men in inferior courts. Another provision is, that no person shall be deprived of life, liberty, or property, without due process of law. In accordance with the latter part of the first clause, the jury in a justice court is composed of six men.

Section *ten* refers to the method of procedure in criminal cases, and is, in substance, the same as *article six* of the amendments to the constitution of the United States.

Section *eleven* establishes the mode of procedure in all criminal cases less than felony, in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for more than thirty days. All such cases are to be tried without indictment, before a justice of the peace, or other officer authorized by law. The accused has the right to appeal from the decision of the justice to the district court.

In all other criminal offenses, an indictment must be brought against the person suspected of having

committed the crime, before he can be held to answer for the crime of which he is accused. There is an exception to this in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger. Violators of military law are tried by a court consisting of from three to thirteen members, according to the nature of the crime and the rank of the offender.

After a person has been acquitted by a court of competent jurisdiction, he cannot be tried again for the same offense. A person, charged with the perpetration of a minor crime, is entitled to his liberty before conviction, upon giving bonds signed by responsible parties, that he will present himself, at the appointed time, for trial. Such bonds are called bail, and are usually of twice the amount of the highest money penalty, or fine, that can be attached to the crime. If the person, thus set at liberty, fails to appear for trial, the amount of the bond, or so much thereof as may be demanded by the court, is forfeited to the school-fund of the county, and becomes a part of the semi-annual apportionment for the support of schools. Bail is not usually accepted from persons charged with having committed capital crimes, when the proof is evident, or the presumption great. A capital offense is one to which the death penalty, or imprisonment for life can be attached.

Section *thirteen* secures to all, the right to a writ of *habeas corpus*, when application is made according to law. This right can be suspended and the writ refused, only in case of rebellion or invasion, or when the public safety may require it. The writ of *habeas corpus* has been called "The great writ of personal

liberty." It is issued by the judge of the court having jurisdiction of the crime, and cannot be refused when proper application is made by the accused under oath. This writ had its origin in England in the "Magna Charta" of King John, granted in the year 1215. Our forefathers esteemed this to be one of their grandest privileges, and it has always been recognized as an inherent right of all citizens of the United States.

The *fourteenth* section places the military subordinate to the civil power. It declares that no standing army shall be kept up in the state, in time of peace, and, in time of war, that no appropriation for a standing army shall be for a longer period than two years. The next section forbids the quartering of troops in any house, in time of peace, without the consent of its owner, and, in time of war, except in the manner prescribed by law.

Section *sixteen* defines treason against the state to consist in levying war against it, adhering to its enemies, or giving them aid and comfort. This is virtually the definition given of treason in the constitution of the United States. It is also provided, that no person shall be convicted of treason except upon the evidence of two witnesses to the same act, or upon confession in open court.

Section *seventeen* provides that any bail required shall not be excessive, that is, beyond the nature of the crime for which it is taken. The imposing of excessive fines, and the infliction of cruel and unusual punishments, are expressly forbidden. The next section declares that private property shall not be taken for the use of the public without just compensation to the owner. The damages resulting from the appro-

priation of private property for public purposes, shall be assessed by a jury, but no benefit that the owner of the property would receive from the improvements for which it is taken, can be considered in rendering the decision for damages. Every one is entitled to the use of his property to the exclusion of all other private citizens, but sometimes it becomes necessary to sacrifice private rights for the public weal.

Imprisonment for debt, in any civil process, except in case of fraud, is forbidden by the *nineteenth* section, and no person can be imprisoned for a military fine, in time of peace. So long as the English common law was in operation in this country, imprisonment for debt was common, but now it is usually forbidden by constitution or statute in all the states. If the action of the debtor is such that it is reasonable to suppose that he intends to avoid the payment of his debts by concealing his property, or removing it from the state, the provisions of this section will not apply. In Scotland, at the present time, a person may be imprisoned for a debt of forty dollars or more. Whittier's poem, "The Prisoner for Debt," graphically portrays the condition of persons confined for debt.

Section *twenty* insures to the people some of their dearest rights, among which is that of assembling to counsel for the common good. The rope-makers of Boston held such meetings to devise means for resisting the British soldiery. The modern word caucus is said to be a corruption of *caulkers*, a term often applied to rope-makers. The right of making known their opinions to their representatives, and that of petitioning for a redress of grievances, are also guaranteed.

The language of the *twenty-first* section is as fol-

lows: "No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, shall ever be passed." A bill of attainder is a legislative act inflicting the penalty of death, without trial, upon persons supposed to be guilty of high crimes. In former times, the parliament of Great Britain passed laws of this kind, often for the purpose of reaching persons in high places who could not be gotten rid of by ordinary process of law.

An ex-post-facto law is one that is passed after the commission of an act by which the act may be punished as a crime. It would seem that the prohibition of ex-post-facto laws would make the latter part of this section unnecessary. Ex-post-facto laws apply to criminal and penal statutes, but not to those that affect property only. Hence we may say that this part of the section prohibits ex-post-facto laws in the interests of contracts.

Section *twenty-two* grants to all foreigners residing in the state, the same rights in respect to the possession, enjoyment, and descent of property, as native-born citizens.

The *twenty-third* prohibits slavery, and declares that there shall be no involuntary servitude, except for the punishment of crime.

The *twenty-fourth* limits leases of agricultural lands from which rent or service of any kind is reserved, to a period not exceeding twenty years.

The *twenty-fifth* is a fitting one with which to close this Bill of Rights. Its language is, "The enumeration of rights shall not be construed to impair or deny others, retained by the people." Liberty, civil and religious, is insured to all within the borders of the

state, and, as if this were not enough, any other privileges that may be enjoyed, are reserved to the people. Surely our government rests on a foundation broad and deep.

ARTICLE II.—RIGHT OF SUFFRAGE.

The constitution of every free government designates those persons in whom the right of suffrage is vested. With us, all political power is inherent in the people. The power referred to is usually called the *elective franchise*, or the right to vote. It is customary in the United States to restrict this right to male citizens, twenty-one years of age, or older. Persons under that age, as a rule, are considered incompetent to vote understandingly upon questions of public importance, but, at best, the rule is an arbitrary one. Some standard must be adopted, and perhaps the one in use is as good as any other that could be established. To construct a general law to cover special cases, is out of the question.

Formerly, a property qualification was required of electors—that is, before a man could vote, he was obliged to prove that he owned a certain amount of property, or paid taxes or rents of a specified sum. There is no such restriction, at the present time, in any of the states, except Rhode Island. The tendency now seems to be in favor of extending, rather than of restricting, this right.

All electors who are not accused of treason, felony, or breach of the peace, are privileged from arrest on election day, while attending the election, or going to or returning from the same. No elector is obliged to perform military duty on the day of election, except

in time of war or public danger. Persons, engaged in the military, naval, or marine service of the United States, do not gain a residence in the state by being stationed here in the discharge of their duties.

Idiots and insane persons are prohibited from exercising the right of suffrage, because they cannot do so understandingly. The only other persons who are denied this privilege, are those who have been convicted of some infamous crime. It would not be wise to allow criminals a voice in making the laws.

The right of electors to vote as they choose is established by the last clause, which declares that all elections by the people shall be by ballot.

ARTICLE III.—DISTRIBUTION OF POWER.

Government, both *state* and *national*, is divided into three departments—legislative, executive, and judicial. It is intended that each department shall be independent of the other two, but, so far, entire independence has been found impossible. Each state in the Union has a constitution which provides for these three departments, and defines the powers of each. The legislative department is also called the *law-making power*, the executive, the *law-enforcing power*, and the judicial, the *law-interpreting power*.



LEGISLATIVE DEPARTMENT.

The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives; and the style of every law shall be: "Be it enacted by the General Assembly of the State of Iowa." The legislature has the power to enact laws on any subject provided they do not conflict with the national and state constitutions, or with any acts of congress.

HOUSE OF REPRESENTATIVES.

1. *Composition.* The house of representatives, or lower house, as it is sometimes called, is composed of members chosen every second year, by the qualified electors of their respective districts.

QUALIFICATIONS.—1. *Age.* 2. *Citizenship.* 3. *Inhabitan-*
tancy. 4. *Residence.*

Any person, having the required qualifications as to *age, citizenship, inhabitancy, and residence*, is eligible to a seat in the house of representatives, if properly elected. A representative must be a male citizen of the United States, and twenty-one years of age. He must have been an inhabitant of the state of Iowa one year next preceding his election, and, at the time of his election, must have had an actual residence of sixty days in the county or district he was chosen to represent.

NUMBER OF MEMBERS.

The house of representatives, at present, consists of one hundred members, the largest number authorized by the constitution. The number of representative districts is eighty-eight, and the ratio of representation is one representative for every sixteen thousand eight hundred and fifty inhabitants, or fraction thereof more than one-half, in each representative district. As the population of the state increases, it becomes necessary to increase the basis of representation. This is done at each regular session of the general assembly. No representative district can contain more than four counties, and each district is entitled to at least one representative.

Every county or district, having a number of inhabitants equal to one-half of the basis of representation, is entitled to one representative, and any one county having one and one-half times the basis of representation, is entitled to one additional representative. By this provision, there is a gain of twelve members in the eighty-eight districts of the state.

CENSUS.

Section 33, of Article III, of the constitution, says, "The general assembly shall, in the years 1859, 1863, 1865, 1867, 1869, 1875, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the state. These enumerations, together with the United States census, taken on the first year of each regular decade, enable the general assembly to apportion the senators and representatives among the several districts.

WHEN CHOSEN.

The members of the house of representatives are chosen at the general election, held on the second Tuesday in October of each odd-numbered year. In some of the states, the meetings of the legislature are held every year, and the members in such instances are elected annually.

QUALIFICATIONS OF ELECTORS.

It will be seen by Art. II, Sec. 1, of the constitution, that every male citizen of the United States, twenty-one years of age, who has been a resident of the state six months, and of the county in which he claims his vote, sixty days next preceding the election, is duly qualified to vote at any election held in the state. Sections *four* and *five* of the same article contain the only exceptions to the foregoing. (See Const.)

The term *citizen* is often improperly restricted to those persons who have the right to vote. The fourteenth amendment to the United States constitution says, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." In some states, foreigners acquire the right to vote at all state elections upon taking out the first naturalization papers. That is not the case in Iowa, however. Here a foreigner must have completed the process of naturalization before voting at any election.

VACANCIES.

When vacancies occur in either house, it is the duty of the governor, or acting executive officer, to issue writs of election to fill such vacancies.

POWERS.

The house of representatives has the same power as the senate in general law-making. Bills may originate in either house, and may be amended, altered, or rejected by the other. The power to impeach state officers is vested in the house of representatives, but the trial of all persons impeached rests with the senate. With this exception, the powers of both houses are the same.

THE SENATE.

The senate is a representative body, its members being chosen by the people, but it has only one-half as many members as the house of representatives. It was intended that its members should be men of wide experience in public affairs.

COMPOSITION.

The senate is composed of members chosen at the same time and place as members of the lower house. The senatorial term is four years.

QUALIFICATIONS.

Senators must be at least twenty-five years of age. The qualifications as to *citizenship*, *inhabitaney* and *residence* are the same as for representatives. The duties of senators are considered to be more responsible than those of representatives, and hence the distinction in age is made. In this respect, the state constitution is modeled after the constitution of the United States.

NUMBER OF MEMBERS.

The constitution provides that the number of senators shall not be less than one-third, nor more than one-half, of the representative body. The senate is

now composed of fifty members, the largest number possible. In some of the other states, the number of senators is considerably smaller than in our own state. In all of the states, the senate has fewer members than the house. The ratio of apportionment now is, one senator for every forty-six thousand inhabitants in each senatorial district.

HOW CLASSED.

At the first session of the legislature, the senators were divided into two classes as nearly equal as possible. The term of those belonging to the first class expired in two years, and that of the others in four years. The successors of the members of each class were chosen for four years. As the number of senators increased, they were annexed, by lot, to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable. At present, there are two classes of twenty-five members each.

SENATE POWERS.

The senate is co-ordinate with the house in all general legislation. The impeachment of all state officers rests with the house of representatives, but the trial of those impeached is conducted by the senate. When acting as a court in such cases, the senators are placed under oath or affirmation to decide the case upon its merits. No person can be convicted without the concurrence of two-thirds of the members present.

The governor, judges of the supreme and district courts, and other state officers, are liable to impeachment for any misdemeanor or malfeasance in office. Judgments in such cases extend only to removal from

office, and disqualification to hold any office of honor, trust, or profit under the state. The decision of the senate does not prevent the offender from being indicted, tried, and punished, according to the laws which govern the crime of which he is accused.

PROVISIONS COMMON TO BOTH HOUSES.

Time of meeting. The sessions of the general assembly are held once in two years, at the seat of government, and commence on the second Monday in January of each even-numbered year. The governor may, in cases of necessity, convene the general assembly by proclamation, before the regular time of commencement. At two o'clock in the afternoon of the day on which the legislature meets, each house is called to order by some person present who claims to be a member. A temporary secretary of the senate, and clerk of the house are then chosen, and they proceed to prepare lists of those claiming membership, each for his own house.

The persons whose names appear on these lists, appoint a committee of five on the credentials of members of each house. The chairman of these committees report the names of those who hold certificates of election to membership, and each house then proceeds to form a permanent organization, by the election of officers. The lieutenant-governor is *ex-officio* presiding officer of the senate and acts in this capacity during the term for which he is elected. He is not a member of the senate, however. The presiding officer of the house of representatives, called the speaker, is chosen from among its own members. The other officers of the senate are the secretary and two assistants, an

enrolling clerk, an engrossing clerk, a sergeant-at-arms, janitor, and doorkeeper. The house officers are, a chief clerk and two assistants, clerks for enrolling and engrossing, a sergeant-at-arms, two postmasters, a doorkeeper, janitor and assistant, and mail carrier.

OATH.

Members of the general assembly must take an oath or affirmation before entering upon the discharge of their duties. The form of the oath is as follows: "I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States, and the constitution of the state of Iowa, and that I will discharge the duties of senator (or representative), to the best of my ability." This is, substantially, the oath taken by all officers in the state, from the lowest to the highest. Members of either house are authorized to administer the oath to each other, or to any other persons doing business with them when in session, or when acting as members of committees.

SALARY.

The members of the general assembly are allowed a compensation for their services, the amount of which shall be determined by law. At the first meeting under the new constitution, the members of each house received three dollars per day for their services while in session, and three dollars for every twenty miles traveled in going to and returning from the seat of government by the nearest traveled route.

The law now is that every member shall receive five hundred and fifty dollars for each regular session, and mileage as above. For each special session, each

member receives the same compensation per day that was received by members at the preceding regular session. For example, if the legislature remained in session one hundred days at the last regular meeting, the rate per day would be five dollars and a half. This, then, would be the rate of compensation for each day of the special session. In no case, however, can the pay of members for any special session, be more than six dollars per day, exclusive of mileage. Members and clerks are supplied with all necessary stationery at the expense of the state.

The compensation of officers of the legislature who are not members of either house, is also fixed by law. The Nineteenth General Assembly established the following rates: The secretary of the senate and chief clerk of the house shall each receive seven dollars per day, the assistant secretaries and clerks, six dollars per day, and the enrolling and engrossing clerks five dollars per day, each. The sergeants-at-arms, doorkeepers, janitors, and postmasters shall be paid four dollars each, and the mail carrier, five dollars. The clerks of committees shall receive three dollars, the paper-folders, two dollars and fifty cents, and the messengers, two dollars per day, each.

At the expiration of thirty days from the convening of the general assembly, the members are entitled to draw the mileage due them, and also one-half of the compensation for the entire session. The minor officers and employes receive their pay from time to time upon the certificates of the presiding officers of the respective houses in which they are employed. The remainder of the salary is paid at the close of the session.

MEMBERS.

Each house chooses its own officers and judges of the qualification, election, and return of its own members. A person, who has not all the necessary qualifications for membership may be elected, and his certificate of election properly returned. * It is left with each house to decide all questions of this kind. A contested election is settled in a manner prescribed by law. The speaker of the house holds his office the full term for which he was elected, but all other officers serve only during the session at which they were chosen.

Quorum. A majority of the members of each house constitute a quorum for the transaction of business. A smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

ADJOURNMENTS, PENALTIES, ETC.

Each house determines the time of its own adjournments with the restriction that neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting. The reason for this exception is, that one house might retard the business of the other, or prevent legislation altogether by adjourning from place to place, or for an indefinite period of time.

In addition to keeping and publishing a journal of its own proceedings, each house determines the rules by which it is governed. In the absence of other rules, those contained in Cushing's Manual of parliamentary

practice are used. One of the rules established by the constitution is, that each house shall sit with open doors, except on such occasions as require secrecy. This is not properly a rule of order, however.

Members may be punished or expelled for disorderly conduct. It requires a two-thirds majority to expel, and no person can be so punished a second time for the same offense.

PRIVILEGES.

1. *Of speech.* No member can be called in question in any other place for anything that he may say in any speech or debate upon any question in either house. The rules of order determine the mode of procedure in debate, and a member may be denied the right to participate in discussion for violating those rules.

2. *From arrest.* Senators and representatives, in all cases except treason, felony, and breach of the peace, are privileged from arrest while attending a session of the legislature, and in going to and returning from the same. Were it not for this provision, such persons might be unlawfully detained, to the detriment of themselves and the people they were chosen to represent.

3. *Protest.* Any member has the right to dissent from, or protest against any act or resolution which he may consider injurious to the public, or to private citizens. He may also have his objections to the measure entered upon the journal of the house of which he is a member. At the call of any two members present, a vote by yeas and nays must be taken and recorded in the journal. The process of voting in this way is longer than the ordinary one, but it serves to put each member upon record as to how he votes. The names

of members and manner of voting are made a part of the record, and the people, in this way, are enabled to learn just what their representatives are doing.

4. *From arrest.* Any person who knowingly arrests a member in violation of his privilege, is guilty of contempt, and may be punished by fine or imprisonment, or both. The same penalty may be inflicted upon any one for assaulting or threatening to assault a member, or injure his person or property on account of anything said or done by him in the discharge of his duties. Any attempt to control or influence the action of a member, by menace or other improper means, is considered a contempt, and may be punished as prescribed above. Several minor offenses may be treated in the same way.

PENALTIES.

1. Fines and imprisonments for contempt are made upon an order from the proper house. The order, with the reasons for which it was issued, must be entered upon the journal. A warrant for imprisonment is signed by the presiding officer and countersigned by the secretary or clerk. The sheriff, or jailor, of the proper county receives the warrant, and serves it in the same manner as any other writ. Such imprisonment cannot extend beyond the session at which it is ordered, but the guilty party may be tried and punished for the same offense, in the courts of the state.

2. *Witnesses.* Any person may be summoned, by subpœna, to appear before any committee of either or both houses to testify upon any subject which the committee may be considering. The person so summoned is entitled to the same compensation as witnesses

before the district court, but he cannot demand the payment of his fees in advance.

PROHIBITIONS.

1. *On Members.* As a means of preventing fraud, the following section was adopted: "No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people." A similar provision is contained in the constitution of the United States.

2. Persons holding lucrative offices under the United States, the state of Iowa, or any other power, are declared by the constitution of the state to be ineligible to a seat in the general assembly. Officers of the militia, who draw no annual salary, justices of the peace, postmasters, whose compensation is not more than one hundred dollars per year, and notaries public, are not included in the provisions of this section.

3. Before any person, who has been a holder or collector of public money, can take his seat as a member of the general assembly, or be eligible to hold any office of trust or profit in this state, he must have accounted for and paid into the treasury all funds belonging to his office. This is to prevent persons, guilty of appropriating public money to improper uses, from becoming legislators in their own behalf.

ON OFFICERS, ETC.

After any officer, public agent, or contractor, has entered upon the discharge of his duties, or completed the services agreed upon, he cannot receive any extra

compensation for such services. No money can be drawn from the public treasury except in accordance with appropriations made by law. Money cannot be paid on any claim that was not provided for by pre-existing laws, and the appropriation of public money or property, for private purposes, cannot be made except with the concurrence of two-thirds of all the members elected to each house.

ON THE LEGISLATURE.

1. The general assembly is forbidden to pass any local or special laws for levying taxes for state, county, or road purposes; for laying out and improving roads; for changing the names of persons; for the incorporation of cities and towns; for vacating roads, town plats, streets, alleys, or public squares; and for locating or changing county seats. In these and all other cases of a general nature, all laws must be of uniform operation throughout the state. The legislature can pass no law for changing the boundaries of counties, that may not, at a general election, be ratified or rejected by the people of the counties affected.

2. The general assembly is prohibited from granting divorces, or authorizing lotteries and the sale of lottery tickets within the state. Only one subject, with the matters pertaining to it, can be included in any one bill, and the subject treated of must be stated in the title of the bill. If the subject matter of any bill is not expressed in the title, that part of the act referring to such subject matter is void.

3. Laws of a public nature, passed at a regular session of the legislature, do not take effect until the Fourth of July after they are passed. The laws enacted at a special session take effect in ninety days

after adjournment. Any law that is deemed to be of special importance may be put into effect by publication in certain designated newspapers published in the state.

LAW MAKING.

1. The draft of a proposed law is called a bill. As it would be impossible, in open session, to transact all business connected with law-making, it is customary to refer certain parts of the work to committees. These committees are of two kinds, standing and special. The nature of the measure determines the committee to which it is referred. Committee meetings are held between the daily sessions of the legislature, and the result of their deliberations is reported to the proper house for final action.

2. Bills may be introduced in either house, but the other house may alter, amend, or reject them altogether. Before a bill can become a law, it must pass both houses and be signed by the speaker of the house and president of the senate. It is then presented to the governor for approval. If he is satisfied with its provisions, he affixes his signature and the bill becomes a law. If he objects to the bill, it is his duty to return it to the house in which it originated, with his objections.

3. These objections being entered upon the journal, this house then proceeds to reconsider the bill. If, after such reconsideration, the bill is again passed by a two-thirds majority of each house, it becomes a law, notwithstanding the governor's objections. The refusal of the governor to sign a bill is called his veto. *Veto* is a Latin expression, signifying, "I forbid it." The

veto power has been exercised but once in this state during the past twelve years.

4. The failure of the governor to return a bill within three days from the time it is presented to him (Sunday excepted), is equivalent to his signature, unless the general assembly, by adjournment, prevent its return. A bill presented to the governor during the last three days of the session must be deposited by him with the secretary of state within thirty days from the time the legislature adjourned. He must also signify his approval by signing the bill, or if he vetoes it, his objections must be filed with the secretary of state, along with the bill itself.

5. Every act or resolution receives three separate readings, but its second and third readings can not occur upon the same day. A bill cannot be passed without the assent of a majority of all the members elected to each branch of the legislature. The question upon its final passage must be taken immediately after its last reading, the vote being by yeas and nays.

6. Certain business of the general assembly is transacted in joint convention of both houses. Such meetings are held in the hall of the house of representatives, and, in the absence of the president of the senate and speaker of the house, a temporary president is chosen on joint ballot. A record of the proceedings is kept by the clerk of the house and the secretary of the senate, and recorded by them upon the journals of their respective houses.

7. United States senators are elected by the legislature in joint convention in the following manner: The names of the members are arranged in alphabetical order, and each one votes in the order in which his

name stands on the list. The name of the person voted for, and of the one voting, are recorded in writing by the judges of election, and, after the names are read a second time, to correct any errors of record that may have been made, the judges report to the presiding officer the number of votes each candidate has received. If no one has received a majority of all the votes cast, a second vote is taken, and so on from time to time until some one receives a majority.

8. The person receiving such a majority is declared to be duly elected, and the president of the convention signs duplicate certificates of election, one of which is transmitted to the governor, the other being preserved as a part of the records of the convention. This is substantially the plan pursued in the election of all officers chosen by the general assembly in joint convention.



EXECUTIVE DEPARTMENT.

1. To this department belongs the power of executing, or carrying into effect, the laws of the state. Its principal officer is the governor, who holds his office for two years from the time of his installation. He is elected by the qualified electors of the state on the second Tuesday in October of each odd-numbered year. The duties of the governor are very important, for to him is entrusted the care of seeing that all the laws are faithfully enforced. A lieutenant-governor is chosen at the time of the election of governor, who also holds his office for two years.

2. The qualifications of the governor differ in different states. In Iowa, no person is eligible to that position who is not a male citizen of the United States, at least thirty years of age, and who has not been a resident of the state the two years next preceding the election. The same qualifications are required of candidates for the position of lieutenant-governor.

3. The official term of these officers commences on the second Monday in January following their election, and continues for two years and until their successors are elected and qualified. The returns of the election for governor and lieutenant-governor are sealed and transmitted to the seat of government. They are directed to the speaker of the house of representa-

tives, and it is his duty to open and publish them in the presence of both houses of the general assembly. In some states, these officers are elected every year.

4. The persons who have received the highest number of votes for governor and lieutenant-governor respectively, are declared elected. In case of a tie vote for two or more persons for either office, it is the duty of the general assembly in joint meeting to proceed to the election of governor or lieutenant-governor, as the case may be.

5. The governor is commander-in-chief of the militia, and of the army and navy of the state. He transacts business with all civil and military officers of the government, and receives information from the other officers of the executive department upon any subject pertaining to their duties.

6. When any office becomes vacant from any cause, it is the duty of the governor to fill the vacancy by appointment unless the constitution or laws of the state provide some other way. The appointment lasts only until the end of the next meeting of the legislature or the next general election by the people.

7. He may, on extraordinary occasions, call a special session of the general assembly by proclamation, and when both houses have assembled, it is his duty to state to them the reasons for which they have been convened. This action is rarely taken except in cases of public danger, as the expense of holding a session for a few days only, amounts to a large sum of money. The mileage is the same for a special as for a regular session.

8. After the organization of the general assembly is completed, the governor's message is read to each

house by its clerk. This message contains a statement of the condition of the state, together with such recommendations as the governor may see fit to make concerning matters of importance. This document corresponds to the president's annual message to congress, and is always written or printed. The first two presidents made their recommendations in person, but since their time, the present custom has prevailed.

9. In case both houses fail to agree upon the time of adjournment, the governor fixes the time at which that body shall stand adjourned. The power to pro-rogue or forbid the assembling of the legislature is expressly denied by the last clause of section thirteen of this article.

10. The governor has power to grant commutations and pardons in all cases except treason and impeachment, subject to regulations provided by law. A reprieve is a temporary suspension of the death penalty that has been passed upon a person convicted of a capital crime. For a number of years the death penalty was forbidden by the laws of the state, but it was revived in 1878 and may be applied upon conviction of murder in the first degree. A commutation of a sentence shortens the time or lessens the severity of the punishment. A pardon forgives the criminal and orders his release.

11. After a person has been convicted of treason, the governor may suspend the execution of the sentence until the legislature can act upon the matter. That body may either grant a pardon, commute the sentence or direct its execution, or extend the time of the reprieve. The governor has the power to remit

finest and forfeitures also, but under certain restrictions made by law.

Each case of reprieve, commutation, pardon, or remission of fine or forfeiture must be reported to the general assembly at its next meeting. The name of the person relieved from any of the above penalties with the reasons for the executive action must form a part of the report.

The lieutenant-governor is *ex-officio* president of the senate, but he has no vote except when that body is equally divided. In case of the absence or disability of this officer, or when he is discharging the duties of governor, it becomes necessary for the senate to choose a president *pro-tem*. The salary of the lieutenant-governor is fixed at double that of members of the senate. This, according to the present law, amounts to eleven hundred dollars for the term of two years. In case of the death, impeachment, or removal of the governor, the duties of that officer devolve upon the lieutenant-governor, and during the time he is acting in such capacity, he receives the same compensation as the governor.

If the lieutenant-governor, while acting as governor, is impeached or displaced, or for any other reason becomes unable to perform the duties devolving upon him, the president *pro-tem* of the senate acts as governor until the vacancy is filled, or the disability removed. And in case this officer becomes disqualified from any cause, the speaker of the house of representatives acts in his stead.

The governor is the custodian of the *great seal* of the state which is used by him officially in sealing all grants and commissions. All commissions granted

by the governor must be signed by him and countersigned by the secretary of state. The motto of the state is a grand one: "Our liberties we prize, and our rights we will maintain."

Besides the officers of the executive department already mentioned, the people elect biennially, a secretary of state, an auditor of state, and a state treasurer, whose duties are defined by law.



JUDICIAL DEPARTMENT.

The judicial department consists of the supreme and district courts expressly provided for by the constitution and the circuit and justice courts established by act of the general assembly. At first the supreme court consisted of three members, two of whom constituted a quorum for holding court. This number has been increased to five, and one member is elected annually for five years in each period of six years. Under the present law, there will be no judge elected in the year 1886 but every sixth year thereafter. The judge having the shortest term to serve acts as chief justice. From this it will be seen that each member of the supreme court is chief justice during the last year of his term. Judges of this court are ineligible to any other office in this state during the term for which they have been elected.

The supreme court is a tribunal for the interpretation of law and the correction of errors made by judges of the lower courts. It has appellate jurisdiction in cases of chancery only. In addition to the above-mentioned powers, this court has the general supervision of all the lower courts.

The salary of judges of the supreme court was fixed by section nine of this article, at two thousand dollars per annum, but the same section gave the gen-

eral assembly power to increase the compensation from time to time. The salary at present is four thousand dollars per annum.

The clerk of the supreme court has charge of all decisions made by the court. His duties are such as are indicated by his title. He is placed under bonds to the amount of not less than ten thousand dollars, and for his services, he receives twenty-two hundred dollars per year. He is allowed to appoint a deputy, who is paid twelve hundred per year. The next election of clerk and reporter of the supreme court occurs in the year 1886. Their term of office is four years.

The supreme court reporter has charge of publishing the decisions of the court in reports of from 750 to 800 pages each. These reports are copyrighted in the name of the state, and the reporter is forbidden to have any pecuniary interest in them. Salary, two thousand dollars per year, payable quarterly.

ARTICLE VI.—MILITIA.

All able-bodied male citizens of the state, between the ages of eighteen and forty-five years, except such as have served in the United States service and been honorably discharged, compose the militia. The general assembly has at different times passed laws for arming, equipping, and training the militia. At present, an annual appropriation of twenty thousand dollars is made to cover these and other expenses. All commissioned officers are elected by those subject to military duty, and commissioned by the governor. Those now subject to military duty number fully twenty-five thousand men.

The governor is commander-in-chief of the militia, and may call it out at any time when the public safety requires it. His powers are limited to this state only, and he cannot send a member out of the state against his will. Practically, the militia is unorganized, only a small portion being trained and equipped for duty. There are but two brigades of volunteers, numbering in all about twenty-three hundred men, known as the "Iowa National Guards."

ARTICLE VII.—STATE DEBTS.

This article provides that the credit of the state cannot, in any manner, be given, or loaned, to any individual, association, or corporations, and the debts of individuals, associations, or corporations, cannot be assumed by the state, unless they were incurred for the benefit of the state in time of war.

The state may contract debts not to exceed two hundred and fifty thousand dollars to supply deficits in revenue, or to meet expenses not otherwise provided for. Money borrowed on the credit of the state must be used for no other purpose but that for which it was obtained.

All losses to the permanent school or university fund which have been caused by defalcation or mismanagement, are audited by the proper authorities and form a permanent funded debt against the state for the benefit of the fund that has sustained the loss. Indebtedness created in this way does not form a part of that to which reference is made in the preceding paragraph.

The state may also contract debts for its defense in time of war, insurrection, or invasion. During the

late civil war, debts to the amount of three hundred and fifty thousand dollars were contracted in accordance with section four of this article, but they have all been paid and the state is now practically out of debt.

Certain other debts may be authorized by special act of the general assembly, but no law of this kind can take effect until it has been ratified by a majority vote of the people at a general election. After such a law has been approved by the people, the general assembly may repeal it, provided no debt has been created in the mean time, for the purpose for which the law was passed. Every law that imposes, continues, or revives a tax must state the object to which the tax is to be applied.

ARTICLE VIII.—CORPORATIONS.

A corporation is an association of persons for the transaction of business under one firm name, or as a single person. Such associations are usually governed by a charter, the provisions of which define their powers and limit their responsibilities. This section provides that no corporation can be formed by special law, but the general assembly may, by general enactment, provide for the organization of various corporations. The state cannot become a stockholder in any organization of this character, and no liabilities can be assumed by the state, unless they were contracted in time of war. The property of all corporations for pecuniary uses is subject to taxation the same as that of private citizens.

It is expressly provided that no political or municipal corporation can in any way become a stockholder

in any banking corporation, and no association of persons with banking powers can be formed until the law authorizing its establishment has been ratified by a majority vote of the people at an election held at least three months after its enactment. The remainder of the section is devoted to the discussion of certain provisions relating to banks and banking corporations.

ARTICLE IX.—EDUCATION.

By this article the educational interests of the state were placed under the control of a board of education of which the lieutenant-governor was the presiding officer. One member of this board was chosen from each judicial district for a term of four years. The board was so organized that one-half of its members were chosen every second year. One meeting was held each year at a time fixed by the general assembly, but no meeting could last for a longer period than twenty days. Special meetings might be called by the governor, upon the recommendation of two-thirds of the members of the board.

The secretary was appointed by the board, and it was his duty to keep records of the proceedings of all meetings of the board, and have them published for distribution among the several counties, townships, and school districts. All of its rules and regulations were considered a part of the school law of the state, unless they were altered, amended, or repealed by the general assembly. The governor was, *ex-officio*, a member of the board.

It had no power to levy taxes or make appropriations of money for any purpose, but all contingent expenses were provided for by law. It was the duty

of the board to provide for the education of all the youths of the state through a system of common schools, at least one of which was to be kept in each school district for not less than three months each year. The compensation of its members was the same as that of members of the general assembly, and mileage was also allowed each member for going to and returning from each session.

A majority of the board was a quorum to transact business, but no rule, regulation, or law could be passed without the concurrence of a majority of all the members. The vote on the final passage of any measure was by yeas and nays. Section eleven provided for the establishment of the State University at one place without branches at any other place, and the university fund was secured to that institution and no other.

Section *fifteen* provided that at any time after the year 1863, the general assembly might reorganize the board of education or abolish it altogether, and provide for the educational interests of the state in some other way. The board was abolished by chapter fifty-two of the laws of 1864, and this part of article nine has not been in force since that time.

SCHOOL FUNDS AND SCHOOL LANDS.

The second division of this article places the school funds and school lands under the control of the general assembly. The proceeds arising from the rent or sale of the university lands constitute a fund for the use of the State University, and the interest arising from this fund is annually appropriated for the support and benefit of that institution. A history of the university will be found in the chapter entitled "State Institutions."

By section three, very liberal appropriations are made for the benefit of the common schools. The general assembly is instructed to encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The different sources from which the permanent school fund is derived, have been mentioned in another part of this volume. The money paid by persons for exemption from military duty and the net proceeds of all fines collected in the several counties for any violation of the penal laws of the state, are applied for the benefit of the common schools in the counties in which the money is collected. All fines and forfeitures of this kind are distributed among the different school districts according to the number of persons of school age, to be used for the support of the schools, or the establishment of libraries.

The financial agents of all school funds are the same as those authorized by law to receive and control the revenue of the state and of the different counties. The distribution of all money for the support of the common schools is made in proportion to the number of persons between the ages of five and twenty-one years.

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ARTICLE X.—AMENDMENTS.

It is evident that no constitution can be prepared to meet the wants of all future times and generations. The best governments on earth are imperfect and require alterations from time to time. All constitutions provide for their own amendment, but the process differs in different states. But two amendments to the constitution of Iowa have been adopted, and one of

those, known as the *prohibitory amendment*, was declared unconstitutional by the supreme court of the state. This amendment was ratified by a vote of the people at a special election held on the 27th of June, 1882. The other was declared by the governor, in 1868, to be a part of the supreme law of the state, and extended the right of suffrage by striking out the word *white* from articles 2, 3, and 6, of the constitution.

The process of amending the constitution of Iowa is quite a lengthy one, but it insures the people against hasty action on the part of their legislators. Amendments may be proposed in either house of the general assembly and if a majority of all the members elected to each house are in favor of it, the proposed amendment is entered upon both journals with the yeas and nays, and referred to the next general assembly at its regular session. The publication of the proposed amendment must be made for at least three months previous to the election of members of this general assembly.

ARTICLE XI.—MISCELLANEOUS.

Section *one* provides that the jurisdiction of justices of the peace shall extend to all civil cases (except chancery cases and those involving the title to real estate), where the amount does not exceed one hundred dollars. By the consent of both parties, the jurisdiction may be extended to any amount not exceeding three hundred dollars.

The second section declares that no new county, containing less than four hundred and thirty-two square miles, can be created. The territory of any organized county cannot be reduced below that size.

Provision is made for the organization of Worth and other counties lying to the west of it along the northern boundary of the state, without additional territory. An act of the general assembly passed in January, 1870, erected the county of Crocker from the northern three tiers of townships in Kossuth County, but the supreme court declared the act unconstitutional in December of the following year.

Section *three*. No county, or other political or municipal corporation, can become indebted in any manner, or for any purpose, to exceed the amount of five per cent. on the value of the taxable property. The value of the property of the county or other corporation is determined by the last state and county tax-lists previous to the time the debt was incurred.

The next section provides that the boundaries of the state may be enlarged, with the consent of congress and the general assembly. According to the latest surveys, the area of the state comprises 56,025 square miles. There are ninety-nine counties, and all but twenty-seven of them have been organized since the state was admitted into the Union.

Section *five* is as follows: "Every person, elected or appointed to any office, shall, before entering upon the discharge of the duties thereof, take an oath or affirmation to support the constitution of the United States, and of this state, and also an oath of office." The form of the oath is given elsewhere. The *sixth* section provides that persons elected to fill vacancies in office shall serve for the remainder of the unexpired term only, and all persons appointed to fill vacancies in office shall hold until the next general election, and until their successors are elected and qualified.

The *seventh* section prohibits the general assembly from locating any of the public lands which have been or may be granted by congress to this state, upon lands actually settled, without the consent of the occupant. The last section establishes the seat of government permanently at Des Moines, in the county of Polk, and the State University at Iowa City, in Johnson County.

ARTICLE XII.—SCHEDULE.

The constitution is declared to be the supreme law of the state, and any law inconsistent with it shall be void. The general assembly was authorized to pass all laws necessary to carry the constitution into effect. All laws that were in force at the time the constitution was adopted, and not inconsistent with it, were to remain in force until they expired or were repealed.

All proceedings of any characters pending in the courts at the time the constitution was adopted, were to be prosecuted to final judgment and execution, and all offenses, misdemeanors, and crimes that were committed before the adoption of the constitution were to be subject to indictment, trial, and punishment in the same manner as they would have been if the constitution had not been adopted.

All fines, penalties, or forfeitures due, or to become due, to the state, or to any county, or to the school fund, were reserved to the fund for which they were intended, in the manner prescribed by law. All bonds executed to the state, or to any officer in his official capacity, were to inure to the use of those to whom they were given.

Sections six to eleven inclusive, contain provisions for the election of officers under the new constitution,

and for the continuance in office of those chosen prior to its adoption. Section twelve authorized the general assembly to divide the state into eleven judicial districts, for district court purposes, and also to provide for the apportionment of members of the general assembly in accordance with the provisions of the new constitution.

Section *thirteen* prescribes the plan to be pursued by the people in voting for or against the adoption of the new constitution. The last clause of the section is, "And if it shall appear that a majority of all the votes cast at such election for and against this constitution are in favor of the same, the governor shall immediately issue his proclamation stating that fact, and such constitution shall be the constitution of the state of Iowa, and shall take effect from and after the publication of said proclamation."

The *fourteenth* section provides for submitting to the people at the same election that the constitution is submitted, a proposition to amend the same by striking out the word "white" from the article on the "Right of Suffrage."

The election was held August 3, 1857, and a majority of the votes cast was found to be in favor of the adoption of the constitution. The vote was, 40,311 for, and 38,681 against it. The proposed amendment was defeated at this time, but, as stated in another place, it was adopted in 1868. The last section made the county of Mills a part of the sixth judicial district until otherwise directed by law.

STATE.

Thus far the work has been confined to the civil government of Iowa as provided for in the constitution of the state. We shall now proceed to a discussion of the government as it now exists in state, county, town and township.

The duties of the governor and lieutenant-governor have already been referred to in a general way. The Code of Iowa should be used as a book of reference in the preparation of work on this subject and a full account of the duties of these officers will be found therein. The salary of the governor is three thousand dollars per year.

STATE AUDITOR.

The auditor is the general accountant of the state and to him is entrusted the task of keeping just accounts of all money belonging to the state as well as of all funds disbursed. He superintends the fiscal affairs of the state and furnishes information with the proper forms to enable county auditors and treasurers to perform the duties of their respective offices. He draws warrants on the treasury for all appropriations authorized by law, and reports to the governor before each regular session of the general assembly, the amount of all revenue, funds, income, and taxable property of the state, together with the expenditures for all purposes since his last report.

On the first Monday of March and September of each year, he apportions the interest on the permanent school fund among the counties in proportion to the number of persons of school age in each. The office of the auditor is at the seat of government, and everything that is necessary to enable him to discharge the duties devolving upon him is furnished at the expense of the state. His bond is fixed at not less than ten thousand dollars. His salary is twenty-two hundred dollars per year, and that of his deputy, twelve hundred.

SECRETARY.

This officer has charge of all the records of the territorial government of Iowa, the enrolled copies of the constitutions, old and new, and all records not kept by the other executive officers. All commissions issued by the governor are countersigned by him, and a record of them is kept in a register provided for that purpose. He is also required to make a biennial report to the governor of the condition of the criminal affairs as reported to him by the clerks of the district courts. Prior to the first Monday in January, 1883, a register of the land office had charge of certain matters pertaining to titles of land, but at that date, the office of register was discontinued and the duties of that officer have been performed by the secretary of state since that time. His bond is fixed at not less than \$5,000. Salary, twenty-two hundred dollars per year,—deputy, twelve hundred.

STATE TREASURER.

The treasurer receives all moneys belonging to the state and pays all warrants drawn upon the treasury by the auditor. He keeps a record of all warrants paid

by him, and reports to the auditor once a week the number and amount of all warrants paid since his last report, and also the name of the payee in each case. A report of the affairs of his office must be made to the governor as soon as practicable after the first Monday of November in each odd-numbered year. His bond is fixed at not less than three hundred thousand dollars. His salary is twenty-two hundred, and that of his deputy, twelve hundred dollars per year.

EXECUTIVE COUNCIL.

The governor, auditor, secretary and treasurer of state, compose the executive council. Any three of these officers constitute a quorum for the transaction of business. The duties of this body are numerous and important, for to it is given the general management of the property of the state. The executive council acts as a board to audit accounts of supplies furnished the different state officers, and provides paper for the public printing as well as stationery for the general assembly, the public offices, and the supreme court. All warrants drawn by this board are paid out of the public treasury, but all moneys so drawn must be reported to the next general assembly. The officers that compose this council receive five hundred dollars each for their services in addition to their salaries.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

To this officer is entrusted the general supervision of all the county superintendents and all the common schools of the state. He meets the county superintendents in convention for the purpose of giving explanation and instruction that will lead to uniformity in

the school work of the different counties. He renders a written opinion to any school officer asking it, concerning any portion of the school law, and also decides all appeals from the decisions of county superintendents. At the end of every fourth year, he may have a sufficient number of the school laws and decisions printed to supply each district in the state with at least one copy, bound in cloth.

His report to the general assembly at each regular session embraces the number of teachers, schools, and school-houses, the condition of the public schools, and such other information as has been reported to him by the county superintendents. One thousand copies of this report are printed and presented to the general assembly on the second day of its session. It is also his duty to appoint a normal institute in each county, annually, upon the assurance of the county superintendent that at least twenty teachers desire to attend such a meeting.

He is provided with an office at the seat of government, in which he keeps all the records, reports, and other public documents belonging to his office. His bond is not less than two thousand dollars. His compensation is twenty-two hundred per annum, and that of his deputy, twelve hundred.

ATTORNEY GENERAL.

The attorney general is a lawyer who acts as counsel for the general assembly and state officers, and appears for the state in all cases, civil or criminal, in which the state is a party, when requested to do so by the governor, executive council, or general assembly. He appears as prosecuting attorney for the state in all

criminal cases tried by the supreme court upon appeal from the district court. At the request of any state officer or district attorney, it is his duty to give his opinion in writing upon any question of law that may be submitted to him.

He reports to the general assembly such information concerning the business of his office as may be required by that body. His salary is fixed at fifteen hundred dollars per year, and, in addition to this, he receives five dollars per day for attending all sessions of the supreme court not held at the capitol. He is also entitled to certain fees for services rendered in accordance with the provisions of chapters on insurance in the Code of Iowa.

ADJUTANT GENERAL.

The adjutant-general is an officer appointed by the governor to act as inspector and paymaster-general of the militia. His rank is brigadier-general. On or before the first Monday in January of the year following the one in which the census of the state is taken, he reports to the adjutant-general of the United States, the whole number of persons in the state subject to military duty. He issues all orders of the governor relating to military law, and causes them to be published from time to time as it becomes necessary. He keeps a roll of all commissioned officers of the militia, with their residence, and rank, and such other information as may be necessary concerning them. His salary is two thousand dollars per annum.

STATE PRINTER.

The state printer is elected by joint ballot of the general assembly, and holds his office for two years

from the first day of May in the year following his election. His office is at the seat of government, and it is his duty to print the journals of both houses of the general assembly, and the laws enacted by that body, as well as all forms, blanks, and other incidental matter required by the different state officers. His work must be promptly done in a workmanlike manner, and for it he receives compensation fixed by law, the amount of which depends upon the work done. His bond is not less than five thousand dollars, and must be signed by at least three sureties.

STATE BINDER.

This officer is elected in the same manner as the state printer, and enters upon the discharge of his duties at the same time. His duty is to bind the laws, journals, and such incidental printed matter as may be required for the use of the state. The work must be done in a neat and workmanlike manner, and to secure this, he is required to furnish a bond of not less than two thousand dollars. His salary depends upon the amount of work done, the prices of the different kinds of work being fixed by law.

RAILROAD COMMISSIONERS.

In 1878, an act was passed by the general assembly, authorizing the governor to appoint three railroad commissioners, to serve for the term of one, two, and three years respectively, from the first day of April in that year. The governor appoints one commissioner annually, whose term of office commences April 1, of the year in which he is appointed, and continues three years. All appointments of this kind, however, must be sanctioned by the executive council. At least one

of the members of this board must be a civil engineer, and no person having a pecuniary interest in any railroad is eligible to the office of railroad commissioner.

These commissioners have the general supervision of all railroads operated by steam in the state, and it is their duty to see that the laws governing railroad companies and employes are strictly complied with. The books of any railroad company, at any station or office, are open to inspection by this board, and any officer or agent may be examined under oath.

On or before the first day of December of each year they report to the governor the work done by them during the past year, and make such recommendations in relation to their duties as they may think necessary. With the consent of the executive council, any or all of the commissioners may be removed by the governor and new ones appointed in their stead.

Each commissioner receives an annual salary of three thousand dollars, and the clerk, fifteen hundred. To secure the faithful performance of his duties, each commissioner is obliged to give bonds to the amount of ten thousand dollars. Members of the board and the clerk are sworn to perform the duties devolving upon them to the best of their ability.

STATE LIBRARIAN.

This officer, appointed by the governor, has charge of the state library, and is required to give personal attention to the duties of his office during the time the library is kept open. Certain other duties are assigned him by law, among which is that of preparing a complete alphabetical catalogue of all books belonging to the library. He reports to the governor at

stated times, the number and title of all books in the library, the amount of all fines and forfeitures received, and such other information as may be required.

His bond is fixed at five hundred dollars, his salary at one thousand per year, and that of his deputy, five hundred.

OTHER OFFICERS.

In addition to the officers already mentioned, there are several others to whom special powers are granted. These are, in most cases, appointed by the governor, subject to the approval of the executive council. The principal ones are, an inspector of coal mines, salary fifteen hundred dollars per year; a fish commissioner and a commissioner of immigration, at an annual salary of twelve hundred dollars each. The salaries of these officers are payable quarterly, those of all other state officers in equal installments at the end of each month.

QUALIFICATION.

No civil officer can enter upon the discharge of his duties until he has qualified according to law. The governor and lieutenant-governor are required to take the official oath in the presence of the general assembly in joint convention. The oath is administered to them by a judge of the supreme court. Members of the general assembly qualify by taking the oath prescribed for them in the third article of the constitution.

In addition to the obligation to support the constitution of the United States and that of the state of Iowa, judges of the supreme, district, and circuit courts must subscribe to an oath in writing, that they will administer justice to rich and poor alike, without fear,

favor, affection, or hope of reward. The officers above mentioned, together with county supervisors and township trustees, are not required to give bonds.

All other civil officers are required to give sureties in double the amount to be secured. For example, if the bond is fixed at one thousand dollars, the signers must have property valued at two thousand dollars above all indebtedness. The amount of the bond required differs according to the responsibility of the office and the amount of money to be handled. The bond of the state treasurer cannot be less than three hundred thousand dollars, and is the heaviest one required. Bonds of state officers are fixed by law and approved by the governor, those of the county officers by the county supervisors.

TOWNSHIP CLERK.

The township clerk approves the bonds of all township officers except his own and those of justices of the peace and constables. All officers are required to qualify before a stated time, usually the first Monday of January following their election, and a refusal to qualify within the time prescribed is considered a refusal to serve.

Chapter 175, Laws of the Nineteenth General Assembly, requires a number of the state officers and trustees of the various state institutions, except the Agricultural College, to report to the governor, on or before the fifteenth day of August, in each odd-numbered year, the condition of their respective offices and of the institutions under their control.

COURTS.

The constitution provides for the establishment of the supreme and district courts, and such others as may be authorized by law. The principal courts besides those already mentioned, are the circuit and justice courts.

SUPREME COURT.

The meetings of the supreme court are held as follows: Two terms each year at the capitol, one commencing on the first Monday in June, the other on the first Monday in December; two at Davenport, one commencing on the first Monday in April, the other on the first Monday in October; two at Dubuque, one commencing on the third Monday in April, the other on the third Monday in October, and two at Council Bluffs, one commencing on the third Monday in March, the other on the third Monday in September.

The place at which an appeal from any county shall be heard is determined by law, but, with the consent of the appellee indorsed in writing upon the notice of appeal, the appeal may be taken to any place where meetings of the supreme court are held. In civil suits, appeals must be taken within six months from the time the decision was rendered by the lower court, and, within a year, in criminal cases.

DISTRICT COURT.

The district court has general original jurisdiction in all cases, both civil and criminal, when not otherwise provided, and appellate jurisdiction in all criminal cases. It also has the general supervision over all inferior courts and officers, in all criminal matters, to prevent and correct abuses, where no other remedy is provided.

This court has exclusive jurisdiction over all indictments presented by the grand jury. An indictment is a written accusation presented to the court in which the grand jury is impaneled, charging the person named therein with the violation of the criminal law, or the commission of some act which is punishable on indictment. Such an accusation can be made only upon the sworn statement of witnesses examined by the grand jury, or by evidence furnished by certain legal documents as provided by law.

All qualified electors of the state, of good moral character, sound judgment, and in full possession of the senses of hearing and seeing, are competent jurors in their respective counties. There are certain exceptions, however. All persons holding office under the laws of the United States, or of this state, all practicing attorneys, physicians, and clergymen, all practicing professors or teachers in any institution of learning, and all persons disabled by bodily infirmity, or over sixty-five years of age, are exempt from liability to act as jurors. Any person summoned to act as a juror may be excused from serving for good cause shown.

The grand jury consists of fifteen members, and, in counties having less than fifteen thousand inhabitants, the number of trial, or petit jurors is the same,

unless the judge otherwise directs. In counties having more than fifteen thousand inhabitants, the number of petit jurors is twenty-four.

The manner of selecting grand and petit jurors is substantially the same. A list of the names of seventy-five persons is made in each county, each year, and is called the grand jury list. The petit jury list comprises one hundred and fifty names, and, in counties having more than twenty thousand inhabitants, two hundred and fifty names. The manner of preparing the lists is given below:

On or before the first Monday in September of each year, the county auditor apportions the number of grand and petit jurors, to be selected from each voting precinct, in proportion to the number of votes cast at the last general election. A statement of this apportionment is given to the sheriff of the county, and he causes a written notice to be delivered to one of the judges of election in each voting precinct, on or before the day of election. The judges of election then make a list of names of the number required, and forward it to the county auditor, with the returns of the election. Grand jurors serve for one year, and petit jurors during one term of court in each year, usually.

At least twenty days prior to the first day of any term of court at which a jury is to be selected, the auditor writes, upon separate ballots, the names on the lists of all those who have not served as jurors during that year. The clerk of the court and the sheriff then place these ballots in a box and mix them thoroughly. The clerk then draws from the box the requisite number of ballots, and, within three days thereafter, issues an order to the sheriff commanding him to summon

the persons chosen, to serve as jurors at the next term of court.

This order must be obeyed by the sheriff immediately, and his returns made before the day for the appearance of the jurors. At the close of each term of court, the clerk issues a certificate to each juror, showing the amount to which he is entitled for his services, and the auditor, upon the receipt of this certificate, is authorized to issue a warrant upon the county treasurer, without waiting for the board of supervisors to audit the claim.

CIRCUIT COURT.

The circuit court has concurrent jurisdiction with the district court in all civil actions and special proceedings, and exclusive jurisdiction in all appeals and writs of error from inferior courts, tribunals, or officers, and a general supervision thereof, in all civil matters to prevent and correct abuses, where no other remedy is provided. The circuit court also has exclusive jurisdiction of the probate of wills, and the appointment of executors, administrators, and trustees to settle the estates of deceased persons. The appointment of guardians of minors, insane persons, and others requiring guardianship, is also left to this court.

For convenience, the state is divided into fourteen judicial districts, as follows:

First district.—The counties of Des Moines, Lee, Henry and Louisa.

First circuit of first district.—The counties of Lee and Henry.

Second circuit of first district.—The counties of Des Moines and Louisa.

Second district and circuit.—The counties of Van Buren, Davis, Wapello, Monroe, Appanoose, Lucas and Wayne.

Third district and circuit.—The counties of Montgomery, Page, Taylor, Ringgold, Decatur, Clarke, Union and Adams.

Fourth district and circuit.—The counties of Harrison, Monona, Woodbury, Plymouth, O'Brien, Sioux, Lyon and Osceola.

Fifth district.—The counties of Polk, Warren, Madison, Adair, Guthrie and Dallas.

First circuit of fifth district.—The counties of Polk and Warren.

Second circuit of fifth district.—The counties of Madison, Adair, Guthrie and Dallas.

Sixth district and circuit.—The counties of Jasper, Marion, Poweshiek, Mahaska, Keokuk, Washington and Jefferson.

Seventh district.—The counties of Scott, Muscatine, Clinton and Jackson.

First circuit of seventh district.—The counties of Clinton and Jackson.

Second circuit of seventh district.—The counties of Scott and Muscatine.

Eighth district and circuit.—The counties of Johnson, Tama, Iowa, Benton, Linn, Cedar and Jones.

Ninth district and circuit.—The counties of Dubuque, Delaware, Buchanan, Black Hawk and Grundy.

Tenth district and circuit.—The counties of Clayton, Allamakee, Fayette, Winnesheik, Howard and Chickasaw.

Eleventh district and circuit.—The counties of Marshall, Story, Boone, Webster, Hamilton, Hardin, Wright and Franklin.

Twelfth district and circuit.—The counties of Mitchell, Floyd, Bremer, Butler, Cerro Gordo, Worth, Winnebago and Hancock.

Thirteenth district and circuit.—The counties of Fremont, Mills, Audubon, Pottawattamie, Cass, Crawford, Shelby, Carroll and Greene.

Fourteenth district and circuit.—The counties of Calhoun, Sac, Ida, Buena Vista, Pocahontas, Humboldt, Kossuth, Palo Alto, Clay, Dickinson and Emmet.

Judges of the district and circuit courts, and district attorneys, are elected by the people of their respective districts, for the term of four years. In the year 1882, a district judge and a district attorney were chosen in each judicial district except the twelfth and thirteenth. The election of these officers in the twelfth and thirteenth districts will occur this year, 1884. Successors to all the circuit judges will also be chosen at the coming election.

The district attorney appears for the state and the counties of his district in any suit in which the state, or any such county may be interested, in the district or circuit courts and before any judge on a writ of habeas corpus issued in behalf of any person charged with, or convicted of a public offense within his district. When any of the above proceedings are taken from his district to the supreme court, it is his duty to furnish a brief, containing the substance of the proceedings and the questions involved in the case. This report must be filed with the attorney-general before the case is set for hearing in the supreme court. He

must also appear for the state, or any county, in any proceeding brought to his district from any other on change of venue.

The district attorney acts as counsel for the county officers within his district, and, when requested, must give his opinion, in writing, upon any question of law submitted to him by any of these officers. He is not entitled to a fee for such service. All moneys coming into his hands by virtue of his office, and belonging to the state, or any county, must be paid by him to the proper officer who is entitled by law to receive it.

The compensation of each judge of the district and circuit courts is twenty-two hundred dollars per annum, payable in equal monthly installments. In addition to an annual salary of six hundred dollars, each district attorney is entitled to receive the following fees:

For each conviction on a plea of guilty, five dollars;

For each jury trial in cases of misdemeanor, ten dollars;

For each jury trial in cases of felony, twenty dollars;

For each judgment for costs only, five dollars;

For prosecuting an information before a justice of the peace for a violation of the laws relating to the sale of intoxicating liquors, five dollars;

For all fines and forfeitures actually collected by him, ten per cent. upon all sums less than two hundred dollars, and one per cent. for all sums exceeding that amount.

The testimony given by witnesses in these courts is usually recorded by short-hand reporters, who are

allowed compensation not to exceed six dollars per day for every day actually spent in attendance upon court. They are entitled to the further compensation of six cents for every one hundred words used in making transcripts of the testimony taken in court.

The compensation of judges and district attorneys cannot be increased during the time for which they were elected. Jurors are allowed two dollars per day for each day's service in attending the sessions of the district and circuit courts, and ten cents per mile for each mile traveled in going from their homes to the place of trial.



CONGRESSIONAL DISTRICTS.

It has been found necessary to district the state for other than judicial purposes. By the provisions of the constitution of the United States, senators in congress are chosen by the legislatures of the different states, from the states at large. Each state, no matter what its population may be, can have only two senators. Representatives in congress are apportioned among the several states according to the population of each. The ratio of apportionment now is, one representative for every one hundred and fifty-one thousand, nine hundred and twelve inhabitants, or fraction thereof more than one-half. According to this basis, Iowa now has eleven representatives in congress, and the state is divided into eleven congressional districts.

First district.—The counties of Lee, Des Moines, Henry, Van Buren, Jefferson, Washington and Louisa.

Second district.—The counties of Jones, Jackson, Clinton, Cedar, Scott and Muscatine.

Third district.—The counties of Dubuque, Delaware, Buchanan, Black Hawk, Bremer, Butler and Grundy.

Fourth district.—The counties of Clayton, Fayette, Winneshiek, Allamakee, Howard, Mitchell, Floyd and Chickasaw.

Fifth district.—The counties of Marshall, Tama, Benton, Linn, Johnson and Iowa.

Sixth district.—The counties of Jasper, Poweshiek, Mahaska, Monroe, Wapello, Keokuk and Davis.

Seventh district.—The counties of Guthrie, Dallas, Polk, Adair, Madison, Warren and Marion.

Eighth district.—The counties of Clarke, Lucas, Ringgold, Decatur, Wayne, Appanoose, Union, Adams, Page and Taylor.

Ninth district.—The counties of Pottawattamie, Cass, Mills, Audubon, Crawford, Montgomery, Shelby, Fremont and Harrison.

Tenth district.—The counties of Boone, Story, Hardin, Hamilton, Webster, Franklin, Wright, Humboldt, Hancock, Cerro Gordo, Worth, Winnebago and Kossuth.

Eleventh district.—The counties of Lyon, Osceola, Dickinson, Emmet, Sioux, O'Brien, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Pocahontas, Woodbury, Ida, Sac, Calhoun, Monona, Carroll and Greene.

Representatives to congress are chosen at the general election in each even-numbered year, and hold their office for two years.



SENATORIAL DISTRICTS.

The state is divided into fifty senatorial districts, and each district is entitled to one senator. The ratio of apportionment is one senator for every forty-six thousand inhabitants, or fractional part of that number more than one-half. At the time the division was made, no district contained forty-six thousand inhabitants, the largest district being Dubuque county with a population of forty-two thousand nine hundred and ninety-seven. These are the districts as established by the Nineteenth General Assembly.

Lee county constitutes the first district, Van Buren and Davis counties constitute the second, Appanoose and Monroe counties the third, Wayne and Lucas the fourth, Clarke and Decatur the fifth, Ringgold, Taylor and Union the sixth, Fremont and Page the seventh, Mills and Montgomery the eighth, Des Moines the ninth, Jefferson and Henry the tenth, Louisa and Washington the eleventh, Keokuk and Iowa the twelfth, Wapello the thirteenth, Mahaska the fourteenth, Marion the fifteenth, Madison and Warren the sixteenth, Audubon, Guthrie and Dallas the seventeenth, Adams, Adair and Cass the eighteenth, Pottawattamie the nineteenth, Muscatine the twentieth, Scott the twenty-first, Clinton the twenty-second, Jackson the twenty-third, Cedar and Jones the twenty-fourth, and Johnson county the twenty-fifth district.

Linn county constitutes the twenty-sixth district, Benton the twenty-seventh, Marshall the twenty-eighth, Jasper the twenty-ninth, Polk the thirtieth, Boone and Story the thirty-first, Hardin and Grundy the thirty-second, Buchanan and Delaware the thirty-third, Harrison and Shelby the thirty-fourth, Dubuque the thirty-fifth, Clayton the thirty-sixth, Hamilton, Webster and Wright the thirty-seventh, Black Hawk the thirty-eighth, Butler and Bremer the thirty-ninth, Allamakee and Fayette the fortieth, Howard, Mitchell and Worth the forty-first, Winneshiek the forty-second, Cerro Gordo, Franklin, Hancock and Winnebago the forty-third, Chickasaw and Floyd the forty-fourth, Poweshiek and Tama the forty-fifth, Woodbury, Monona and Crawford the forty-sixth, Humboldt, Pochontas, Palo Alto, Emmet, Kossuth and Clay the forty-seventh, Greene, Carroll and Calhoun the forty-eighth, Plymouth, Sioux, Lyon, Osceola, O'Brien and Dickinson the forty-ninth, and Buena Vista, Cherokee, Sac and Ida counties form the fiftieth district.



REPRESENTATIVE DISTRICTS.

The Nineteenth General Assembly apportioned the state into eighty-eight representative districts, and fixed the ratio of representation at one representative for every sixteen thousand eight hundred and fifty inhabitants in each district. Twelve of these districts have two representatives each, making the membership of the lower house one hundred, the largest number possible under the constitution.

Lee county is the first district, Des Moines the second, Henry the third, Jefferson the fourth, Van Buren fifth, Wapello sixth, Davis seventh, Monroe eighth, Appanoose ninth, Lucas tenth, Wayne eleventh, Clarke twelfth, Decatur thirteenth, Union fourteenth, Ringgold fifteenth, Adams sixteenth, Taylor seventeenth, Montgomery eighteenth, Page nineteenth, Mills twentieth, Fremont twenty-first, Pottawattamie twenty-second, Cass twenty-third, Adair twenty-fourth, Madison twenty-fifth, Warren twenty-sixth, Marion twenty-seventh, Mahaska twenty-eighth, Keokuk twenty-ninth, Washington thirtieth, Louisa thirty-first, Muscatine thirty-second, Scott thirty-third, Cedar thirty-fourth, Johnson thirty-fifth, Iowa thirty-sixth, Poweshiek thirty-seventh, Jasper thirty-eighth, Polk thirty-ninth, Dallas fortieth, Guthrie forty-first, Harrison forty-second, Boone forty-third, and Story the forty-fourth district.

Marshall is the forty-fifth district, Tama forty-sixth, Benton forty-seventh, Linn forty-eighth, Jones forty-ninth, Clinton fiftieth, Jackson fifty-first, Dubuque fifty-second, Delaware fifty-third, Buchanan fifty-fourth, Black Hawk fifty-fifth, Grundy fifty-sixth, Hardin fifty-seventh, Hamilton fifty-eighth, Webster fifty-ninth, Woodbury sixtieth, Butler sixty-first, Bremer sixty-second, Fayette sixty-third, Clayton sixty-fourth, Allamakee sixty-fifth, Winneshiek sixty-sixth, Howard sixty-seventh, Chickasaw sixty-eighth, Mitchell sixty-ninth, Floyd seventieth, Plymouth seventy-first, Sioux, Lyon and Osceola seventy-second, Monona seventy-third, Crawford seventy-fourth, Ida and Buena Vista seventy-fifth, Cherokee and Clay seventy-sixth, Sac seventy-seventh, Calhoun and Pocahontas seventy-eighth, Greene seventy-ninth, Carroll eightieth, Shelby eighty-first, Audubon eighty-second, O'Brien and Dickinson eighty-third, Palo Alto, Emmet and Kossuth eighty-fourth, Humboldt and Wright eighty-fifth, Winnebago, Hancock and Worth eighty-sixth, Cerro Gordo eighty-seventh, and Franklin county the eighty-eighth district.

The first, second, sixth, twenty-second, thirty-third, thirty-fifth, thirty-eighth, thirty-ninth, forty-eighth, fiftieth, fifty-second and the sixty-fourth districts have two representatives each.



COUNTIES.

A table of the counties of Iowa will be found as an appendix to this work. In most cases, the boundaries of the counties conform to the range and township lines which were established by the government survey. The counties along the eastern and western boundaries of the state, owing to the irregular course of the rivers, vary from the prevailing rectangular form. In each county, the people have selected a place, usually near the center of the county, at which to transact business of a public character. The offices of the county are usually kept at this place in rooms in the courthouse, a building fitted up for this purpose.

OFFICERS.

The officers are, the board of supervisors, one auditor, one clerk of the district and circuit courts, one sheriff, one treasurer, one recorder, one superintendent of schools, one coroner, and one surveyor. The auditor, treasurer, clerk and sheriff are each allowed a deputy in most counties.

These officers are chosen by the people at the general election, and all except the supervisors hold for two years only, unless re-elected. The clerk of the courts and recorder are elected in the even-numbered years, and all the others in the odd-numbered years. At least one supervisor is chosen every year. The

principal duties of each officer will now be discussed. For the special powers of each reference should be made to the Code of Iowa and the Session Laws, or Acts of the General Assembly.

BOARD OF SUPERVISORS.

The board of supervisors consists of not less than three, nor more than seven, members. Their term of office is three years. The only qualification required of members of this board is, that they be legal voters in the county in which they are chosen, but no two members can be elected from the same township. Regular meetings of the board are held on the first Mondays of January, April, June and September, and the first Monday after each general election. At the first meeting in each year, a chairman is elected from among the members, whose duty it is to preside at all meetings of the board during that year.

If any supervisor neglects or refuses to perform any of the duties devolving upon him as a member of the board, without just cause, he is liable to a fine of one hundred dollars for each offense. This board has control of the property of the county, the court-house and other public buildings, and the care of the poor. In many of the counties, a poor house and farm are supported at public expense. It is the duty of this board to examine, settle, and allow all just claims against the county unless some other means are provided by law.

The supervisors manage and control the school-fund, change the boundary line of townships when necessary, and act as commissioners of highways. They provide for the building of all bridges which cannot be

constructed by the different road districts for lack of funds.

The supervisors, at their September session, levy the following taxes upon the assessed value of the taxable property in the county. For state purposes, not to exceed two mills on the dollar. For ordinary county revenue, not more than six mills and a poll-tax of fifty cents.

The support of schools, not less than one, nor more than three mills.

For making and repairing bridges, not more than three mills on a dollar.

Certain classes of property are exempt from taxation, and are not assessed. The property of the United States and of the state of Iowa, including school lands and all property leased to the state; the property of counties, townships, cities, incorporated towns and school districts when used exclusively for the use of the public and not held for pecuniary profit; the property of literary, scientific, benevolent, agricultural, and religious institutions which is devoted to the appropriate uses of these institutions; the estates of persons who by reason of age or infirmity are unable to contribute to the public revenue; farming utensils and the tools of any mechanic, not to exceed three hundred dollars in either case, and government or state lands for the year in which they were entered, cannot be taxed.

Each member of the board of supervisors receives four dollars for each day actually in session, and two dollars and fifty cents when not in session but employed on committee service. Mileage is allowed for going to and returning from each session of the board and for

attendance on committee work. The rate is six cents for each mile traveled.

COUNTY AUDITOR.

The county auditor is clerk of the board of supervisors, and it his duty to record the proceedings of that body in books provided for that purpose. He signs all orders issued by the board for the payment of money, and acts as general accountant for the county. He reports to the secretary of state the name, office, and term of office of each county officer, within ten days after his election and qualification.

The auditor prepares and furnishes two poll-books for each voting precinct in the county, and forwards an abstract of the votes cast at each election to the secretary of state. The bond of this officer is fixed by the board of supervisors, and cannot be less than five thousand dollars. The bonds of the county and township officers are recorded in the auditor's office, his own excepted, which is filed with the county treasurer, and those of justices of the peace, which are filed by the auditor in the office of the clerk of the court. The loaning and general management of the permanent school fund as well as the apportioning of the county school fund and interest on the permanent fund, is left with the county auditor. His salary is fixed by law, and, in counties having less than twenty-five thousand inhabitants, it is twelve hundred dollars per annum. In counties having a greater population, the board of supervisors may allow such additional compensation as they deem just and proper.

COUNTY TREASURER.

The treasurer receives all money belonging to the county and pays it out only upon warrants drawn and

signed by the county auditor, and sealed with the county seal. He keeps a record of all moneys received and warrants paid, and holds the same, at all times, ready for the inspection of the board of supervisors. He keeps a separate account of the several taxes for state, county, school, and highway purposes, charging himself with the amount of the tax, and crediting himself with the amounts paid out and also with the amount of delinquent taxes when legally authorized to do so. Taxes under the law now in force become due on the first day of November of each year, and delinquent on the first day of February of the following year. If the taxes are not paid before the first of March, the treasurer collects interest upon the amount due from each tax-payer at the rate of one per cent. a month for the first three months, two per cent. a month for the second three months, and three per cent. for each following month. The Twentieth General Assembly enacted a new tax law, by the provisions of which taxes become due January 1st of the year following the levy, and delinquent April 1st, but no interest can be charged upon any person's tax before September 1st, provided one-half of such tax is paid before April 1st. The treasurer makes out and delivers to each tax-payer a receipt stating the time of payment, the description and assessed value of each parcel of land, the assessed value of personal property, the amount of each kind of tax, the interest on each, and the costs, if any, giving a separate receipt for each year.

Section 871, Code of Iowa, is as follows: On the first Monday of October in each year, the county treasurer is required to offer at public sale at his office, all lands, town lots, or other real property on which taxes

of any description for the preceding year, or years, shall remain due and unpaid, and such sale shall be made for and in payment of the total amount of taxes, interests, and costs due and unpaid on such real property.

For good cause, the treasurer may adjourn the sale to the first Monday of November or December. The bond of the treasurer cannot be less than five thousand dollars, but usually it is much more than that amount. It will be safe to say that the average amount of bonds required of county treasurers throughout the state is fifty thousand dollars. In counties having less than ten thousand inhabitants, the compensation of this officer cannot exceed thirteen hundred dollars with an allowance of three hundred dollars for clerk hire; in counties having a population of more than ten and less than thirty thousand, the compensation cannot exceed fifteen hundred dollars, with six hundred dollars for clerk hire; and in counties having a population of more than thirty thousand, the supervisors may allow such additional compensation as they may consider necessary.

CLERK OF THE COURTS.

The clerk of the district court is also clerk of the circuit court. He attends all sessions of both courts, and keeps their records, papers, and seals. He keeps a book known as the *record book*, in which are recorded the proceedings of each court; a *judgment docket*, in which to keep an abstract of all judgments with the necessary information pertaining thereto; a *fee book*, in which to enter in detail the costs and fees in each proceeding; an *incumbrance book*, in which the sheriff enters a statement of the levy of each attachment of

real estate; an *appearante docket*, in which all suits are entered in the order in which they are begun; and a book in which to keep a record of all liens in district or circuit courts.

On or before the first Monday of November in each year, he is required to report to the secretary of state, the number of convictions for crimes and misdemeanors in the district court for the preceding year. This report shows the character of each offense and the sentence of punishment, the occupation of the person convicted, whether he can read and write, his general habits, and also the entire expenses of the county for criminal prosecutions during the year.

It is the duty of this officer as clerk of the circuit court, to issue marriage licenses when application is properly made. He keeps a register which contains the names of the parties, the date of the marriage, and the name of the person by whom it was solemnized. During any time when the circuit court is not in session the clerk has power to appoint executors, administrators, guardians, and appraisers, who perform the duties devolving upon them until their appointments can be acted upon by the court at its next term. All bonds relating to the probate of wills must be filed with the clerk of this court and approved by him.

The clerk may appoint a deputy to aid him in transacting the business of his office, but neither of these officers can, during the time of his official incumbence, hold the office of justice of the peace, or act as attorney or solicitor in any case in either court. His bond cannot be less than five thousand dollars, and his compensation varies according to the population of the county in which he serves. In counties having

less than ten thousand inhabitants, the salary cannot exceed eleven hundred dollars; in counties having more than ten thousand but less than twenty thousand inhabitants, thirteen hundred dollars; where the population is more than twenty thousand but less than thirty thousand, fifteen hundred; and in counties having more than thirty thousand inhabitants, the board of supervisors may allow such compensation as they deem proper, not to exceed thirty-five hundred dollars. A full and complete account of all fees received must be reported to the board of supervisors at each regular session. The fees, in excess of the salary, must be paid into the county treasury.

SHERIFF.

The sheriff, by himself or his deputies, executes according to law, and returns all writs and other legal processes to him directed, and performs such other duties as may be required of him by law. He has the charge of the jail of his county, and the custody of all prisoners lawfully committed to it. The sheriff and his deputies are conservators of the peace, and, when necessary, they may call upon any person or persons to aid them in the discharge of their duties. They are forbidden to purchase, directly or indirectly, any property exposed by them for sale under any process of law.

It is the duty of the sheriff of each county to give at least ten days' notice of each general election by a proclamation published in some newspaper printed in his county, or by posting notices of it in five or more of the most public places in the county. The same rule applies to all special elections ordered by the governor.

The salary of the sheriff is fixed by law at not less than two hundred, nor more than four hundred dollars, but, in addition to this, he is allowed certain fees for serving executions, attachments, and other papers, five cents for each mile traveled in the discharge of his duties, and a percentage for collecting and paying over money. His bond cannot be less than five thousand dollars.

COUNTY RECORDER

This officer is provided with an office at the county seat, and it is his duty to record at length, and as speedily as possible, all deeds, mortgages, and other papers delivered to him for record, in the manner prescribed by law. He keeps separate index books for deeds, and mortgages of real estates, and personal property. He is required to note on each paper delivered to him for record, the day and hour that it was received. The records of his office show the names of those who received the original deeds of land from the government for the county in which he serves. They also show all the changes in ownership from the original entry down to the present time. Usually the recorder keeps a set of abstracts which show all changes that have been made in the ownership of each piece of real estate, and also the times at which such changes were made. Sometimes, however, the abstracts are kept only by persons who make the transfer of real estate a specialty.

The compensation of the recorder consists of the following fees:

For recording each instrument of four hundred words, fifty cents;

For every one hundred additional words, or fraction thereof, ten cents.

COUNTY SUPERINTENDENT.

To this officer is intrusted the oversight and general management of the county in which he is chosen. On the last Saturday of each month, and at such other times as may be necessary, he meets all applicants for examination as to their competency and ability to teach orthography, reading, writing, arithmetic, geography, grammar, physiology, and history of the United States. If the examination is satisfactory and the superintendent believes that the respective applicants possess a good moral character, and the essential qualifications for governing and instructing children and youth, he issues to each a certificate to that effect, for a term not exceeding one year. Each applicant for a certificate is required to pay a fee of one dollar, which is deposited with the county treasurer and forms a part of the institute fund.

He holds, annually, a normal institute for the benefit of teachers and those desiring to teach, and, with the consent of the superintendent of public instruction, he procures such assistance as may be necessary in conducting the work. Every person who enrolls as a member of the institute is required to pay a registration fee of one dollar. The examination and registration fees, with fifty dollars state aid, and such allowances as the board of supervisors may make constitute the institute fund, which is devoted exclusively to paying the expenses of the institute. Appeals from the decisions of school boards are heard by the superintendent, if properly made within thirty days from the time the decision was rendered.

On the first Tuesday of October in each year, he is required to make a report to the superintendent of public instruction, which contains a full abstract of the reports made to him by the district secretaries, and such other matters as may be required by law. At the same time, he is required to file with the county auditor a statement of the number of persons between the ages of five and twenty-one years in each school district in his county. He reports to the superintendents of the different schools for the unfortunate, the name, age, residence, and postoffice address of each person of school age in his county for whom these special schools were instituted.

The county superintendent receives four dollars for each day necessarily engaged in the discharge of his official duties, and the supervisors may allow such additional compensation as they deem proper. His bond is fixed by the board of supervisors, at one thousand dollars usually.

COUNTY SURVEYOR.

Before discussing the duties of this officer, it will be well to consider briefly the main features of the rectangular surveys authorized by the government of the United States, and applied to nearly all of the central and western states. By comparing the county map of Iowa with that of Tennessee, or any of the eastern states, it will be seen that while the counties of the former state present a regular appearance, those of the latter are quite irregular, showing an entire want of system in their survey.

It is important that the rectangular system of surveys be understood, inasmuch as all descriptions of

land given in deeds, leases, tax-receipts, etc., are based upon it. The first deeds to land in Iowa were given in the name of the United States, and the chain of title to any piece of land in the state can be traced back to these deeds, and no farther. For convenience of ownership and transfer, this system of surveys provides for the division of the land into small squares of uniform size.

Before commencing the survey proper, it was necessary to establish two main lines, one extending north and south, the other, east and west. These lines were simply arbitrary, and new ones were adopted from time to time whenever the accuracy of the surveys required. The lines extending north and south are called *principal meridians*, those extending east and west, *base lines*. The principal meridians are numbered westward, and a separate base line is established for each.

The fifth principal meridian forms the basis of the survey in Iowa. It extends due north from the mouth of the Arkansas river, and crosses Missouri and the eastern part of Iowa, leaving the latter state at a point between Clayton and Dubuque counties. The base line extends due west from the mouth of the St. Francis river and crosses the meridian forty-eight miles north of its starting point. By running lines six miles apart parallel with the base line, and others the same distance apart* parallel with the principal meridian, the lands lying north and west of the point where the main lines intersect, is divided into blocks six miles square. Each one of these blocks is called a congressional township. Congressional townships were autho-

* NOTE.—The lines running north are not exactly parallel owing to the curvature of the earth's surface. See paragraph on correction line.

rized by act of congress, but the name also aids in distinguishing them from civil townships established by the people of each county, and whose boundaries may, or may not, correspond with those of congressional townships. Civil townships are designated by *names* given them, usually, by the early settlers, but *numbers* are always used in referring to congressional townships.

Two sets of numbers are used, one designates the townships north of the base line, the other, the townships west of the fifth principal meridian. For convenience, the tiers of townships east or west of the meridian are called *ranges*. Land lying in the southeast corner square is in township one north, range one west. Every square west of the one mentioned is *township one north*, and every square north of it is *range one west*. The townships are numbered northward from the base line, and the ranges eastward or westward from the meridian. The civil township of Wayne in the northeastern part of Mitchell County, is township one hundred north, range fifteen west. The pupil should become so familiar with this system of surveys that he can locate, by numbers, any land in the county in which he lives, at least.

Owing to the convergence of meridians in passing northward, it has been found necessary to establish secondary lines parallel with the base line. These are called *correction lines*, and there are four of them in Iowa, the northern and southern boundaries of the state, and the northern boundaries of the seventy-eighth and eighty-eighth tiers of townships. Each congressional township is divided into thirty-six equal squares called sections. Each section contains six hun-

dred and forty acres, and is divided into halves, quarters, eighths, sixteenths, and even smaller parts.

We will now proceed to consider the duties of the county surveyor. He makes all surveys of land within his county, which may be required of him, and his surveys are considered to be correct. He is required to establish the corners of the sections or other divisions, by the aid of trees, or by fixing stones firmly in the earth, or by mounds.

When requested to do so, he must furnish the person for whom any survey is made, a copy of the field-notes and plat of the survey. The record and plat must show distinctly of what piece of land it is a survey, at whose request it was made, the names of the chairmen, and the date of the survey. The chairmen are the persons who make the measurements by the aid of the surveyor's chain. They must be disinterested persons, approved by the surveyor, and sworn by him to make just and impartial measurements to the best of their ability.

The county surveyor receives the following fees:

For each day's service actually performed in traveling to and returning from the place where any survey is to be made, and for making the survey and the required records, four dollars;

For certified copy of the plat and field-notes, fifty cents.

CORONER.

It is the duty of this officer to perform all the duties of the sheriff when there is no sheriff, or when that officer is an interested party to any proceedings in any court of record.

He also acts as sheriff when an affidavit is filed

with the clerk of the court that the sheriff and his deputies are absent from the county and are not expected to return in time to perform the service required.

It is also his duty to hold an inquest upon the dead bodies of those persons who are supposed to have died by unlawful means. Upon receiving notice that such a body has been found in his county, he issues a warrant to any constable of the county, directing him to summon immediately three electors to serve as a jury in determining when, how, and by what means the deceased came to his death. The coroner may summon witnesses and both jurors and witnesses are sworn to the faithful performance of the duties devolving upon them.

The testimony given at the inquest is reduced to writing and signed by the witnesses. The jurors having reviewed the body, heard the testimony, and made all needful inquiries, return to the coroner in writing the result of their investigations.

If it be found at the inquest that a crime has been committed on the deceased, and the evidence be sufficient to authorize the jury in naming the guilty person, the coroner proceeds to secure the arrest of the party named, if possible, before the proceedings are made public. The body of the deceased is delivered to his friends by the coroner, but where there are no friends and no property, the expenses of the inquest and burial are paid out of the county treasury.

The fees of the coroner are as follows:

For holding an inquest and making the return, five dollars;

For viewing a body without holding an inquest, three dollars;

For issuing each subpoena, warrant, or order for a jury, twenty-five cents; and

For each mile traveled in going to and returning from holding an inquest, ten cents.

For acting as sheriff he receives the usual fees of that officer.

He is obliged to give bonds to the amount required by the board of supervisors.

NOTARIES PUBLIC.

Notaries public are not properly county officers, but they are appointed by the governor to transact certain kinds of business in the counties in which they reside. The commissions of all of these officers expire on the fourth day of July of every third year commencing with the year 1876. Each notary has a seal, upon which is engraved the words "Notorial Seal," and "Iowa," with the initials of his given name and his surname in full. He files a bond in the sum of five hundred dollars with the clerk of the court to insure the true and faithful discharge of the duties of his office. There are other minor duties to be performed by each applicant for a commission as notary public before he receives his commission. The governor may revoke the commission of any notary at any time. This officer may administer oaths, take the acknowledgments of signatures to deeds and other papers, and perform certain duties relating to the custom and law of merchants and bankers. He must stamp all

papers of which he takes acknowledgments, with his official seal. His compensation consists of fees varying from five cents to one dollar, according to the amount and character of the work done.



TOWN AND CITY GOVERNMENT.

The term *town government* is taken in its broadest sense and is intended to include cities of all classes, as well as incorporated towns. This is often called municipal government. Cities of the first-class contain at least fifteen thousand inhabitants, those of the second class from two thousand to fifteen thousand, and incorporated towns, any number less than two thousand inhabitants. Each city or town contains as much territory as the inhabitants think necessary, and additions are frequently made to the original plats. This territory is separated into blocks which are divided into lots for convenience of building and ownership. Cities are divided into wards.

OFFICERS IN CITIES OF THE FIRST CLASS.

Each city of the first-class has one mayor, two councilmen from each ward, one marshal, one treasurer, one auditor, one attorney, one civil engineer, one police judge, and one commissioner of the market. Each of these officers serves two years. The mayor and the councilmen from all the wards constitute the city council.

THE MAYOR.

The mayor is a member of the city council, *ex-officio*, and the chief officer of the city. He presides at all meetings of the council, holds court for the trial of

offenders against the city law, and sees that all orders of the council are properly enforced.

CITY COUNCIL.

The council has power to enact laws for the government of the city, levy taxes, keep the streets and sidewalks in proper condition, and appoint inferior officers. Laws passed by the council of a city or town are called ordinances.

THE MARSHAL.

The duties of the marshal correspond to those of constable. He attends the courts of the mayor and police judge, and is, in fact, the chief ministerial officer of the city.

THE TREASURER.

The treasurer receives all money belonging to the city and pays it out when ordered to do so by the council. He gives bonds in such a sum as the council directs.

THE AUDITOR.

The auditor has charge of the financial affairs of the city and issues warrants upon the treasury when ordered to do so by the city council. His duties are numerous and important.

CITY SOLICITOR.

The city solicitor, or attorney, is a lawyer elected to represent the city in any legal business. His relations to the officers of the city are the same as those of the attorney general to officers of the state, or of the district attorney to officers of the county.

CIVIL ENGINEER.

The civil engineer performs such duties belonging to his profession as may be required by the city council.

POLICE JUDGE.

The police judge has jurisdiction of all offenses against any ordinance of the city in which he serves. In criminal matters, his powers are co-ordinate with those of justice of the peace, and he is entitled to the same fees as that officer. He may also take acknowledgments of signatures to deeds, mortgages, and other papers. His court, which is open at all times for the transaction of business, is a court of record. The clerk of this court is chosen by the qualified electors of the city or appointed by the police judge, as the council may direct. In case of vacancy in the office of police judge, the duties of that officer devolve upon the mayor. For the prosecution of any person for violating an ordinance of the city, the police judge, or mayor, is entitled to such compensation as the city council may allow.

MARKET SUPERINTENDENT.

The superintendent of the market acts as overseer of all places provided by the city for the sale of fresh meats, vegetables, and other articles of a perishable nature usually offered for sale in a public market.

To the city council belongs the power to appoint members of the police force and night watch. It may also provide for a fire department and make regulations for governing the same. The council also acts as the board of health.

The compensation of these officers is fixed by ordinance of the city council, in most instances. The exceptions to this have been referred to. Each member of the council is prohibited, by statute, from receiving more than one dollar for attending each meeting of the council, or more than fifty dollars in any one year.

OFFICERS IN CITIES OF THE SECOND CLASS.

In cities of the second class, there are chosen annually, a mayor, a city council consisting of two trustees from each ward, and a treasurer. A city solicitor is chosen every second year for two years. Marshal, night watch, and other officers are appointed by the council. These officers have the same powers and perform the same duties as the corresponding officers in cities of the first class.

OFFICERS IN INCORPORATE TOWNS.

The corporate authority of an incorporated town is vested in a mayor, a recorder, and five councilmen, all of whom are chosen by the qualified electors residing within the limits of the corporation. These seven officers constitute the town council, and any five of them are a quorum for the transaction of business. The council may, by ordinance, provide for the election of a treasurer and such other officers as may be necessary to administer the government. A marshal is appointed by the council. The duties of these officers are much the same as those of corresponding officers in cities of the first and second classes.

"SPECIAL CHARTER" CITIES.

Many of the older cities of the state were organized before the present law for the incorporation of cities and towns was enacted. The government of these cities differs somewhat from those authorized by the present law. They are said to be governed by "special charter."

TOWNSHIP GOVERNMENT.

To the people of Iowa, the civil township is a very important division. It is here that government "by the people" is to be found. Comparatively few state and county officers are required, but there is hardly a county in the state that does not have at least four hundred officers whose duties are confined to the civil township. The greater part of all the taxes raised each year is expended in the township under the direction of its officers. It will be necessary to consider two kinds of government in this connection, viz.: school government, and township government proper.

SCHOOL GOVERNMENT.

The public schools are free to all residents of the state between the ages of five and twenty-one years. Each civil township constitutes a school district which may be divided into such sub-districts as the board of directors think necessary. At a meeting held on the third Monday of March in each year, the qualified electors of each sub-district elect one sub-director to serve as a member of the township board of directors for the ensuing year. On the second Monday of March, the qualified electors of the township meet for the transaction of certain kinds of business connected with building and repairing school-houses and disposing of school property. On the third Monday of March, the

newly-elected sub-directors meet and organize by choosing one of their number president. They then proceed to the transaction of such business as may come before them. They allow all just claims against the district, hire teachers or delegate this power to the director in each sub-district subject to approval by the board, estimate the amount of money to be raised for the support of schools in their district, and provide for building and repairing school-houses.

The president presides at all meetings of the board and of the district township, draws all drafts on the county treasury for money belonging to his district, and signs all orders on the treasury and all contracts made by the board. At the regular meeting of the board held on the third Monday of September in each year, a secretary and treasurer are chosen for one year. The duties of these officers are such as their titles indicate.

Cities, incorporated towns, and villages having not less than two hundred inhabitants, may be organized as *independent school districts*. In districts having less than five hundred inhabitants, the boards of directors consist of three members, one of whom is chosen on the second Monday of March in each year, for the term of three years. In districts having five hundred, or more, inhabitants, there are six directors, two being chosen each year. The secretary may, or may not, be a member of the board, but no director of an independent district can fill the office of treasurer. In accordance with the provisions of a former law, independent districts were formed in district townships. In some instances, each sub-district becomes independent, while in others some other mode of dividing the

township was adopted. This law was repealed by the Sixteenth General Assembly, and no districts of this kind have been formed since July 4, 1876. So far as practicable, the law governing district townships applies to independent districts.

Reference has already been made to the permanent school fund, and the way in which the interest is applied. The amount of this interest, however, is but a small part of what is needed for the support of schools. There are three different school funds, the *teachers' fund* for the payment of teachers, the *school-house fund* for building and repairing school-houses and the purchase of school grounds, and the *contingent fund* for the purchase of fuel and the payment of other running expenses.

The teachers' fund is derived from the semi-annual apportionment which includes the interest on the permanent school fund, fines and forfeitures of various kinds, and a county school tax of not less than one mill nor more than three mills, which is levied by the board of supervisors on the taxable property of the county. In addition to this, the directors of each district, before the third Monday of May in each year, vote to raise a tax upon the property in their district, not to exceed fifteen dollars for each person of school age, except as provided for in the next paragraph.

The amount of the contingent fund is estimated by the directors of each district and cannot exceed five dollars per pupil, except in thinly settled townships where that amount and fifteen dollars per pupil for teachers' fund is not sufficient to maintain the schools for the time allowed by law. Seventy-five dollars contingent fund and two hundred and seventy dollars

teachers' fund, including the apportionment, may be raised for school purposes in each sub-district.

The school-house fund is derived from a tax upon the property of any district in which a school-house is to be built or repaired. This tax is voted by the electors of the sub-district, or district township, and cannot exceed ten mills on the dollar when levied upon the whole township. At the sub-district meeting held on the first Monday of March, the electors may vote to raise a certain sum of money for school-house purposes. If the electors at the district township meeting, refuse to grant any or all of this amount, the tax is levied upon the property of the sub-district, provided it does not exceed fifteen mills on a dollar of valuation. As a rule, the tax for school-house purposes is levied upon the whole district and expended in the different sub-districts, as occasion may require.

The district secretaries certify all taxes for school purposes to the county supervisors, who levy them at the time of levying the taxes for county purposes.

TOWNSHIP OFFICERS.

The officers of the township are three trustees, one clerk, one assessor, two constables, and two justices of the peace, but where a township contains a city or an incorporated town, the township trustees may order the election of one or two additional justices and constables, and at least one justice and one constable must reside in the city or incorporated town. Each township is divided into road districts and the electors of each district choose one road supervisor, who has charge of the highways of his districts.

TRUSTEES.

The trustees decide upon the place of holding elections, equalize taxes, and have charge of all cemeteries, not controlled by other trustees or by religious societies. They constitute the board of health, act as fence viewers, overseers of the poor, and judges of election. One trustee is elected every year for a term of three years. All other township officers are elected in the even-numbered years and serve two years.

The trustees meet on the first Monday of April and the first Monday of October in each year. At the April meeting, they estimate the amount of property tax to be raised in their township for repairing highways and purchasing plows, scrapers, tools, etc., to be used in working the roads. This tax cannot be less than one, nor more than five mills on the dollar of assessment for that year. They also determine what portion of the tax, if any, shall be paid in labor, and the wages that will be allowed for a day's work done by a man, or by a man and team. At the October meeting, they divide their township into road districts and settle with the township clerk and road supervisors.

CLERK.

The township clerk is secretary of the board of trustees and keeps accurate records of the proceedings of all meetings of the board of trustees, and performs such other acts as may be required of him by law. He acts as clerk of election, has charge of property belonging to the township, and receives the resignations of township officers. Immediately after an election he sends the county auditor a list of the names of persons receiving any votes for any office, the number of votes

each person received, and the time of holding the election. He is empowered to administer the oath of office to township officers. As clerk of election, it is the duty of the township clerk to preserve all the ballots cast at any election together with the tally list, until the time for contesting the election of any officer voted for has passed.

ROAD SUPERVISORS.

Each road supervisor must reside in the district for which he is chosen, but no person who is exempted from performing labor on the highway can be required to serve in this capacity. Within four weeks after the township trustees have levied the property tax, the township clerk furnishes each supervisor with a tax-list for his district, which shows the amount of tax on each piece of land and each town lot, as well as on all personal property belonging to each person in the district. This list also contains the names of all persons required to perform two days labor upon the road as poll tax.*

Within ten days after receiving the tax-list, the supervisor is required to post up in three conspicuous places in his district, the amount of tax assessed to each tax-payer. All able-bodied residents of each highway district, between the ages of twenty-one and forty-five years, are required to labor upon the highway two days of nine hours each.

On the first Monday of April and October of each year, the supervisors report to the township clerk the

*NOTE.—At the regular meeting of the board of supervisors in September in each year, a poll tax of fifty cents is levied upon all male citizens of the county over twenty-one years of age. This tax forms a part of the revenue for county purposes, and is levied without any regard to the property of the individuals taxed.

amount of labor performed on the highways in their respective districts, the amount of all moneys received, taxes unpaid, the condition of the highways, and such other information as may be considered necessary.

When notified in writing that any bridge, or portion of the highway, is in an unsafe condition, the supervisor becomes personally liable for any damages resulting therefrom, provided he has had a reasonable time to make the needed repairs. When notified that a county bridge is unsafe, it is his duty to obstruct it, and to inform a member of the board of county supervisors of the condition of the bridge at once.

For each day spent in the discharge of his duties, each road supervisor receives from the highway fund the amount fixed by the township trustees for a day's labor. When there is no money with which to pay the supervisor, he is entitled to a certificate for the amount of labor performed, which will be received in payment of his own highway tax for any succeeding year.

ASSESSOR.

The township assessor is required to list every person in his township, and to assess all property, both personal and real, except such as is exempted by law. To secure uniformity of assessment, the county supervisors, at their January session, fix the value of the different kinds of property by classes. This serves as a guide to the assessor in the discharge of his duties. On or before January 15, of each year, the assessor receives two books from the county auditor, in each of which he enters, in the proper columns, all the items required concerning the property assessed by him. One of these books is delivered to the township clerk,

on or before the first Monday of April, to be used by the trustees in equalizing assessments, and levying taxes for township and highway purposes. The other book, after having been corrected by the township trustees, is returned to the county auditor on or before the third Monday of May.

Section 113, Code of Iowa, is as follows:

The township assessor of each township shall, at the time of assessing property in the year 1875, and every ten years thereafter, take an enumeration of the inhabitants of his township.

On or before the first day of June in the year in which the census is taken, the assessor reports to the county auditor the result of the enumeration. An abstract of the reports made by all the assessors of the county is forwarded to the secretary of state by the county auditor, on or before the first day of September of that year. The census returns show not only the number of inhabitants, male and female, but a collection of statistics pertaining to the militia, the foreign population, the condition of all the industries of the state, and various other items of interest.

At the time of making the annual assessment, each assessor is required to make and return to the county auditor a list of the names of all persons subject to military duty.

JUSTICE OF THE PEACE.

The jurisdiction of justices of the peace, when not specially restricted by law, is co-extensive with the county in which they reside. Each justice keeps a docket in which he records all official acts done by him. Actions in justice courts are commenced by vol-

untary appearance, or by notice. When a suit requiring notice is commenced, the notice must contain the name of the defendant (or a description of him, if his name is unknown), the nature of the claim, the amount claimed by the plaintiff, and the time set for trial. This notice must be signed by the plaintiff or the justice before whom the action is commenced. It is then delivered to the sheriff or any constable of the county to be served upon the defendant. The trial must be held within fifteen days from the date of the notice, and the notice served within ten days from the same date. The defendant may at any time put a stop to the proceedings, by paying the amount of the claim with the costs that have accrued.

Before the trial commences, either party may have the place of trial changed by filing an affidavit:

1. That the justice is prejudiced against him;
2. That the justice is a near relative of the other party;
3. That the party filing the affidavit considers the justice a material witness for him;
4. That he believes that he will not receive justice at the hands of the officer before whom the action was taken.

This is called a *change of venue*.

After a case has come to trial, an adjournment, not to exceed sixty days, may be had to enable either party to secure additional witnesses.

At the request of either of the parties to any suit, the justice directs the constable to summon a jury, to consist of six members, unless a smaller number has been agreed upon by the parties.

In criminal matters, the jurisdiction of justices of

the peace extends to all cases less than felony, committed in their respective counties, in which the punishment prescribed by law does not exceed a fine of one hundred dollars, or imprisonment thirty days. The mode of procedure is much the same in both civil and criminal cases. In any criminal action, the defendant may, before any testimony has been taken, demand a trial by jury. If the person be acquitted, he is set at liberty at once. Should he be convicted, the justice renders the judgment of fine, or imprisonment, or both, as the case may require. Criminals sometimes plead guilty to the crimes of which they are accused in the hope of receiving a light sentence. Besides performing the duties above referred to, a justice of the peace may take acknowledgements of signatures to deeds, mortgages, and other papers, solemnize marriages, and bind over disorderly persons to keep the peace.

CONSTABLES.

The constable is the proper executive officer of the justice's court, but any of the duties required of him may be performed by the sheriff of the county. The powers and duties of the sheriff in relation to the circuit court correspond, so far as applicable, to those of the constable in a justice's court. It is the duty of the constable to serve all warrants, notices, and other processes lawfully directed to him by the trustees or clerk of any township, or by any court, and to perform such other acts as may be required of him by law. He is forbidden to act as attorney for any party, or to purchase any property offered at sale by him upon execution or other process. Constables, although elected by the voters of their respective townships,

may be called upon to discharge their duties in any part of the county; hence they may be considered county officers in a special sense.

TOWNSHIP COLLECTORS.

The board of supervisors of any county in the state, having a population of more than seven thousand inhabitants, may, at their regular meeting in June, by a two-thirds vote of the board, order the election of a township collector of taxes in each township of the county. The first election of township collectors takes place at the next regular election after the action of the board of supervisors, and they are chosen in the same manner as other township officers.

Before entering upon the discharge of his duties, each township collector is required to give a bond to the county in twice the amount of the tax to be collected by him. Duplicate tax-lists for each township, in which there is a collector, are made out by the county auditor and delivered to the county treasurer. The treasurer delivers these lists to the collectors as soon as they have qualified, taking their receipts therefor. Upon receiving the tax-lists, each collector posts a notice in some conspicuous place in each school district in his township, stating that he has received the lists. The notice must also state a place in the township where the collector will be at least one day each week for the purpose of receiving the payment of taxes.

Each collector is required to make a monthly statement to the county treasurer of the amount of taxes received by him. This report must be accompanied by the money received. Township collectors are not chosen in very many counties, as this method of col-

lecting taxes is much more expensive to the people, and the additional number of officers renders the liability to mistakes much greater.

Each collector is entitled to receive for his services:

1. Two per cent. of all sums collected by him on the first two thousand dollars, and one per cent. on all sums in excess of that amount when collected without suit.

2. Five per cent. upon all taxes collected by him by distress and sale of property, which percentage and costs shall be collected of the delinquent tax-payer, and the same fees, in addition to the five per cent., that constables receive for the sale of property on execution.

The compensation of justices and constables is by fees. Jurors in justices' courts are allowed one dollar for each day's service, but no mileage. Witnesses receive fifty cents for each day's attendance upon this court, and five cents for each mile actually traveled in going to and returning from the trial. Trustees, clerks, and assessors are allowed two dollars for each day's work of eight hours.



COUNTIES OF IOWA.

NAME.	NAMED IN HONOR OF.	COUNTY SEAT.	POPULATION, Census of 1880.	When Organized
Adair	Gen. John Adair, 6th Governor of Kentucky.	Greenfield	11,667	1855
Adams	John Adams, 2d Pres. U. S.	Corning	11,888	1853
Allamakee	Allan Makee, an early Indian trader.	Waukon	19,791	1849
Appanoose	Appanoose, a great chief of the Sacs and Foxes.	Centerville	16,636	1846
Audubon	John James Audubon, the great naturalist.	Audubon	7,448	1855
Benton	Thos. Hart Benton, Senator from Missouri.	Vinton	24,888	1846
Black Hawk	The famous Indian Chief of that name.	Waterloo	23,913	1853
Boone	Capt. Nathan Boone, son of Daniel Boone, of Ky.	Boonsboro	20,838	1849
Bremer	Frederika Bremer, a celebrated Swedish traveler.	Waverly	14,081	1853
Buchanan	James Buchanan, afterwards Pres. U. S.	Independence	18,546	1847
Buena Vista	A battle in the Mexican war.	Storm Lake	7,537	1859
Butler	Gen. Wm. O. Butler, Dem. candidate for V. Pres. in 1848.	Allison	14,293	1853
Calhoun	John C. Calhoun, of South Carolina	Rockwell City	5,595	1855
Carroll	Charles Carroll, of Carrollton.	Carroll	12,351	1855
Case	Lewis Cass, Senator from Michigan.	Atlantic	16,943	1853
Cedar	The Red Cedar river	Tipton	18,936	1857
Cerro Gordo	A battle in the Mexican war.	Mason City	11,461	1857
Cherokee	The Cherokee Indians.	Cherokee	8,240	1857
Chickasaw	The Chickasaw Indians.	New Hampton	14,534	1853
Clarke	James Clarke, one of the territorial governors of Iowa.	Osceola	11,513	1851
Clay	Lt. Col. Henry Clay, jr., son of the great statesman.	Spencer	4,248	1858
Clayton	John W. Clayton, Senator from Delaware.	Elkader	28,829	(?) 1847
Clinton	DeWitt Clinton, 5th governor of New York.	Clinton	36,763	1840
Crawford	Wm. H. Crawford, Sec. of Treas. 1817-25, probably.	Denison	12,413	1855

COUNTIES OF IOWA—(Continued.)

NAME.	NAMED IN HONOR OF.	COUNTY SEAT.	POPULATION. Census of 1880.	When Organized
Dallas.....	Geo. M. Dallas, Vice Pres. U. S.....	Adel.....	18,746	1847
Davis.....	Garret Davis, Rep. from Kentucky.....	Bloomfield.....	16,468	1844
Decatur.....	Stephen Decatur, the distinguished naval officer.....	Leon.....	15,336	1833
Delaware.....	John M. Clayton, Sen. from Delaware.....	Manchester.....	17,950	1840
Des Moines.....	The Desmoine river, that ran through the original Co.....	Burlington.....	33,099	1839
Dickinson.....	Daniel S. Dickinson, Sen. from New York.....	Spirit Lake.....	1,901	1858
Dubuque.....	Julien Dubuque, a French miner.....	Dubuque.....	42,996	1837
Emmet.....	Robert Emmet, the Irish patriot of 1798.....	Estherville.....	1,550	1859
Fayette.....	Marquis De La Fayette.....	West Union.....	22,258	1847
Floyd.....	Serg't Chas. Floyd, of Lewis and Clark's expedition.....	Charles City.....	14,677	1844
Franklin.....	Sir John Franklin, the noted arctic explorer.....	Hampton.....	10,249	1855
Fremont.....	John C. Fremont.....	Sidney.....	17,652	1850
Greene.....	Nathaniel Greene, of Revolutionary fame.....	Jefferson.....	12,727	1854
Grundy.....	Felix Grundy, of Tenn., a noted politician.....	Grundy Center.....	12,639	1856
Guthrie.....	Capt. Edwin Guthrie, of the Mexican war.....	Guthrie Center.....	14,394	1851
Hamilton.....	Wm. W. Hamilton, Pres. 6th Gen. Assembly.....	Webster City.....	11,252	1857
Hancock.....	John Hancock, Pres. Continental Congress.....	Concord.....	8,453	1858
Hardin.....	Col. John J. Hardin, of Ill., killed in Mexican war.....	Eldora.....	17,807	1853
Harrison.....	Wm. H. Harrison, 9th Pres. U. S.....	Logan.....	16,649	1853
Henry.....	Gen. Henry Dodge, Gov. of Wis. Ter.....	Mt. Pleasant.....	20,986	1839
Howard.....	Gen. Tighlman A. Howard, of Indiana.....	Cresco.....	10,837	1855
Humboldt.....	The celebrated German Scientist of that name.....	Dakota.....	5,341	1857
Ida.....	—— Name suggested by Eliphalet Price.....	Ida Grove.....	4,382	1855
Iowa.....	The Iowa river.....	Marengo.....	19,221	1845
Jackson.....	Andrew Jackson, 7th Pres. U. S.....	Maquoketa.....	23,771	(?) 1840
Jasper.....	Sergeant Wm. Jasper, of the Revolution.....	Newton.....	25,963	1846

Jefferson	Thomas Jefferson, 3d Pres. U. S.	Fairfield	17,469	1839
Johnson	Richard M. Johnson, Vice Pres. U. S. with Van Buren	Iowa City	25,429	1839
Jones	Geo. Wallace Jones, delegate to Congress from Wis. Ter.	Anamosa	21,052	1847
Keokuk	A noted chief of the Sac and Foxes.	Sigourney	21,258	1844
Kossuth	Louis Kossuth, the Hungarian patriot.	Algona	6,178	(?) 1857
Lee	A member of the N. Y. Land Co., Marsh, Delavan & Lee.	Keokuk & Ft. Mad.	34,859	1839
Linn	Louis Fields Linn, Sen. from Missouri.	Marion	37,237	1839
Louisa	Louisa Massey, a young heroine of Dubuque	Wapello	13,142	1839
Lucas	Robert Lucas, 1st Gov. of Iowa Ter.	Chariton	14,532	1849
Lyon	Gen. Nathaniel Lyon, of Wilson's Creek fame	Rock Rapids	1,968	1870
Madison	James Madison, 4th Pres. U. S.	Winterset	17,224	1849
Mahaska	Mohasca, a prominent chief of the Iowas.	Oskaloosa	25,202	1844
Marion	Francis Marion, of Rev. fame	Knoxville	25,111	1845
Marshall	John Marshal, 4th Chief Justice U. S.	Marshalltown	23,752	1849
Mills	Maj. Frederick Mills, killed at Cherubusco, Mex.	Glenwood	14,137	1851
Mitchell	John Mitchell, an Irish refugee of 1848.	Osage	14,363	1854
Monona	The name is of Indian origin	Onawa	9,055	1854
Monroe	James Monroe, 5th Pres. U. S.	Albia	13,719	1845
Montgomery	Gen. Wm. Montgomery, of the Revolution.	Red Oak	15,895	1853
Muscataine	An island in the county	Muscataine	23,170	(?) 1886
O'Brien	Wm. Smith O'Brien, an Irish patriot of 1848.	Pringhar	4,155	1860
Osceola	The celebrated Indian chief of that name.	Sibley	2,218	1871
Page	Capt. John Page, who was mortally wounded at Palo Alto.	Clarinda	19,667	1853
Palo Alto	The first battle in the war with Mexico.	Emmetsburg	4,131	1858
Plymouth	Landing place of the Pilgrims.	LeMars	8,566	1858
Pocahontas	Virginia Indian princess.	Pocahontas Center	3,713	1859
Polk	James K. Polk, 11th Pres. U. S.	Des Moines	42,395	1846
Pottawattamie	The Indian tribe of that name.	Council Bluffs	39,850	1848

COUNTIES OF IOWA.—(Continued.)

NAME.	NAMED IN HONOR OF.	COUNTY SEAT.	POPULATION, Census of 1880	When Organized
Poweshiek	A prominent Sac chief.	Montezuma	18,936	1848
Ringold	Maj. Sam. Ringgold, of Palo Alto fame.	Mt. Ayr	12,085	1855
Sac	The Sac Indians.	Sac City	8,774	(?) 1855
Scott	Gen. Winfield Scott.	Davenport	41,266	1837
Shelby	Gen. Isaac Shelby, 1st governor of Kentucky.	Harlan	12,696	1853
Sioux	The Sioux Indians.	Orange City	5,426	1860
Story	Joseph Story, the eminent jurist.	Nevada	16,906	1853
Tama	Taomah, an Indian chieftain.	Toledo	21,585	1852
Taylor	Zachary Taylor, 12th Pres. U. S.	Bedford	15,635	1851
Union	The compromise of 1850, whereby the perpetuity of the Union seemed secured.	Afton	14,980	1853
Van Buren	Martin Van Buren, 8th Pres. U. S.	Keosauqua	17,043	1838
Wapello	Waupello, a Fox chief.	Ottumwa	25,285	1844
Warren	Gen. Joseph Warren, of Rev. fame.	Indianola	19,578	1849
Washington	The 1st Pres. U. S.	Washington	20,374	1839
Wayne	Mad Anthony Wayne, of the Rev.	Corydon	16,127	1851
Webster	Daniel Webster.	Fort Dodge	15,951	1853
Winnebago	The Indian tribe of that name.	Forest City	4,917	1855
Winneskiek	A celebrated chief of the Winnebagoes.	Decorah	23,334	1851
Woodbury	Levi Woodbury, of N. H.	Sioux City	14,996	1853
Worth	Gen. Wm. Worth, of military fame.	Northwood	7,953	1857
Wright	Silas Wright, 12th governor of N. Y., or Joseph A. Wright, Gov. of Indiana.	Clarion	5,062	(?) 1855

OFFICERS OF THE STATE GOVERNMENT.

GOVERNORS.

*Robert Lucas.....	1838-1841
*John Chambers.....	1841-1845
*James Clarke.....	1845-1846
Ansel Briggs.....	1846-1850
Stephen Hempsted.....	1850-1854
James W. Grimes.....	1854-1858
Ralph P. Lowe.....	1858-1860
Samuel J. Kirkwood.....	1860-1864
Wm. M. Stone.....	1864-1868
Samuel Merrill.....	1868-1872
Cyrus C. Carpenter.....	1872-1876
† Samuel J. Kirkwood.....	1876-1877
† Joshua G. Newbold.....	1877-1878
John H. Gear.....	1878-1882
Buren R. Sherman.....	1882-----

* Territorial Governor.
 † Resigned Feb. 1, 1877.
 ‡ Acting Governor from Feb. 1, 1877,
 to Jan. 17, 1878.

* LIEUT. GOVERNORS.

Oran Faville.....	1858-1860
Nicholas J. Rusch.....	1860-1862
John R. Needham.....	1862-1864
Enoch W. Eastman.....	1864-1866
Benj. F. Gue.....	1866-1868
John Scott.....	1868-1870
† Madison M. Walden.....	1870-1871
† Henry C. Bulis.....	1871-1874
Joseph Dysart.....	1874-1876
Joshua G. Newbold.....	1876-1877
Frank T. Campbell.....	1878-1882
Orlando H. Manning.....	1882-----

* Office created 1857.
 † Elected to Congress.
 ‡ Appointed by the Gov. for remain-
 der of predecessor's term, and then
 elected for one term.

AUDITORS OF STATE.

Joseph T. Fales.....	1846-1850
William Pattee.....	1850-1854
† Andrew J. Stephens.....	1854-1855
† John Pattee.....	1855-1859
Jonathan W. Cattell.....	1859-1865
John A. Elliott.....	1865-1871
John Russell.....	1871-1875
Buren R. Sherman.....	1875-1881
Wm. V. Lucas.....	1881-1883
John L. Brown.....	1883-----

† Resigned.

TREASURERS OF STATE.

Morgan Reno.....	1846-1850
Israel Kister.....	1850-1852
Martin L. Morris.....	1852-1859
John W. Jones.....	1859-1863
Wm. H. Holmes.....	1863-1867
Samuel E. Rankin.....	1867-1873
Wm. Christy.....	1873-1876
Geo. W. Bemis.....	1877-1881
Edwin H. Conger.....	1881-----

SECRETARIES OF STATE.

Elisha Cutler, Jr.,.....	1846-1848
Josiah H. Bonney.....	1848-1850
George W. McCleary.....	1850-1856
Elijah Sells.....	1856-1863
James Wright.....	1863-1867
Ed. Wright.....	1867-1873
Josiah T. Young.....	1873-1879
John A. T. Hull.....	1879-....

† JUDGES OF SUPREME COURT.

Jas. H. Rothrock, C. J.,.....	1876-1884
Joseph M. Beck.....	1868-1885
Austin Adams.....	1876-1887
Wm. H. Luvese.....	1877-1888
Joseph R. Reed.....	1883-1889

† Judges at present time only.

ATTORNEYS GENERAL.

David C. Cloud.....	1853-1856
Samuel A. Rice.....	1856-1861
Chas. C. Nourse.....	1861-1865
* Isaac L. Allen.....	1865-1866
† Frederick E. Bissell.....	1866-1867
† Henry Oconnor.....	1867-1872
†† Marena E. Cutts.....	1872-1877
John F. McJunkin.....	1877-1881
Smith McPherson.....	1881-....

* Resigned Jan. 11, 1866.

† Appointed by Governor Jan. 12, 1866, and elected the following fall. Died June 2, 1867.

† Resigned 1872.

†† Appointed by Gov. Feb. 23, 1872.

SUPT. OF PUBLIC INSTRUCTION.

James Harlan.....	1847-1848
Thomas H. Benton, jr.,.....	1848-1854
* James D. Eads.....	1854-1857
† Joseph P. Stone.....	1857-1857
Maurice L. Fisher.....	1857-1858
†† Oran Faville.....	1864-1867
† D. Franklin Wells.....	1867-1868
†† Abraham S. Kissell.....	1868-1872
†† Alonzo Abernethy.....	1872-1876
Carl W. von Coeller.....	1876-1882
John W. Akers.....	1882-....

* Suspended by Governor.

† Resigned.

†† Appointed by Governor.

† Duties of this office performed by Sec. of Board of Education from 1858 to 1864.

†† Died in office.

REGISTERS STATE LAND OFFICE.

Anson Hart.....	1855-1856
Theodore S. Parvin.....	1856-1859
Amos B. Miller.....	1859-1862
Edwin Mitchell.....	1862-1863
Josiah A. Harvey.....	1863-1867
Cyrus C. Carpenter.....	1867-1871
Aaron Brown.....	1871-1875
David Secor.....	1875-1879
James K. Powers.....	1879-1882

Office abolished Jan. 1, 1883, and duties devolved on the Secretary of State.

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
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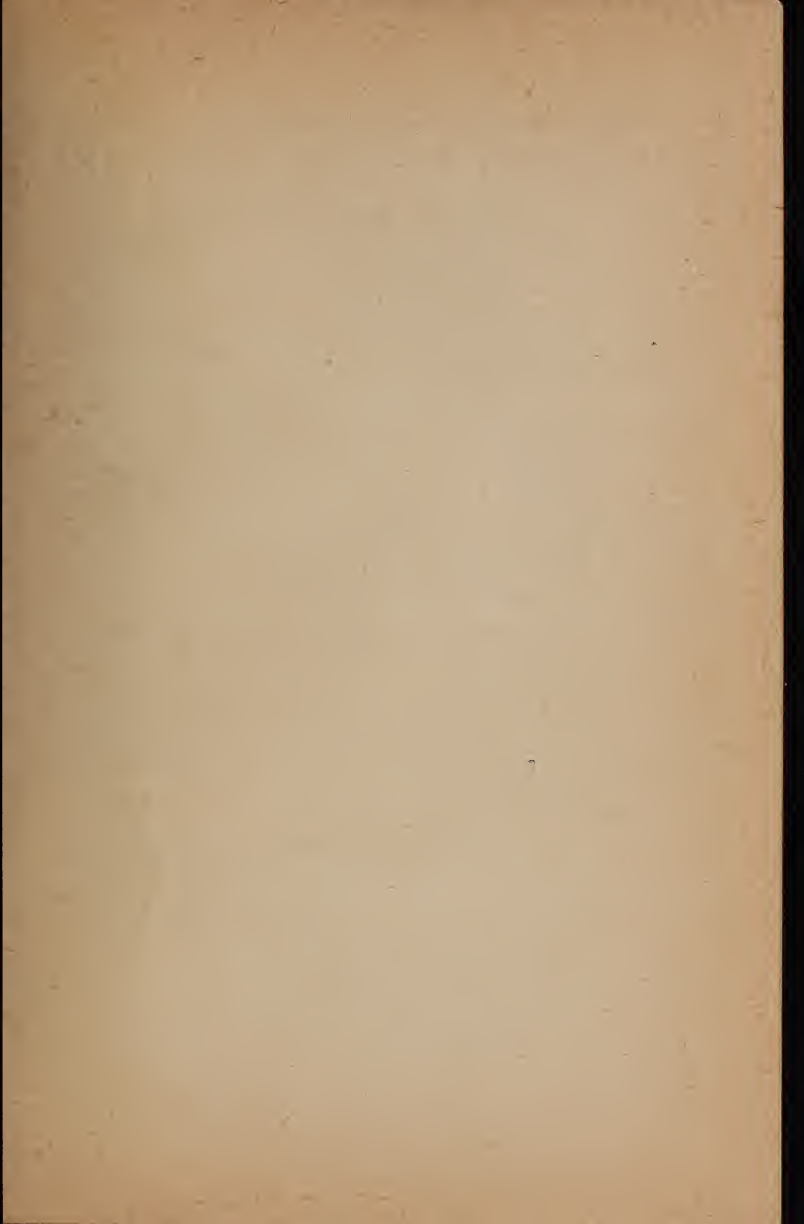
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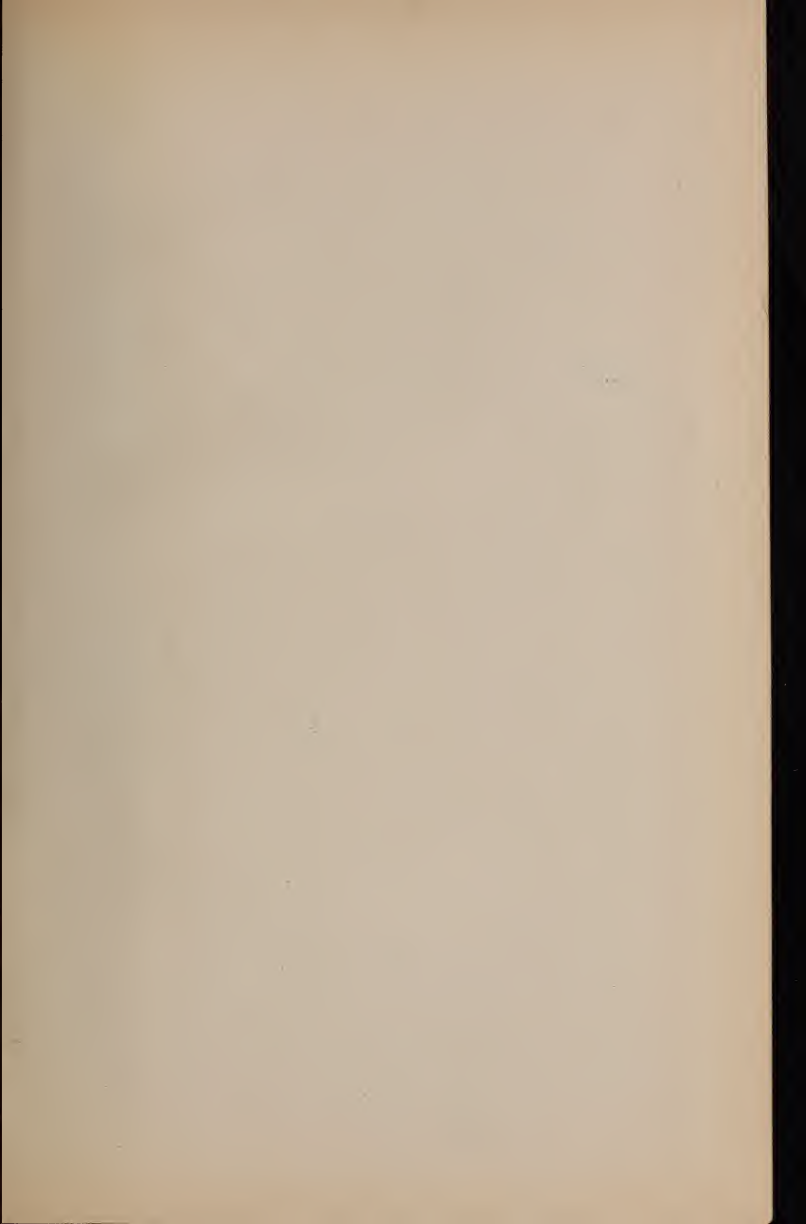
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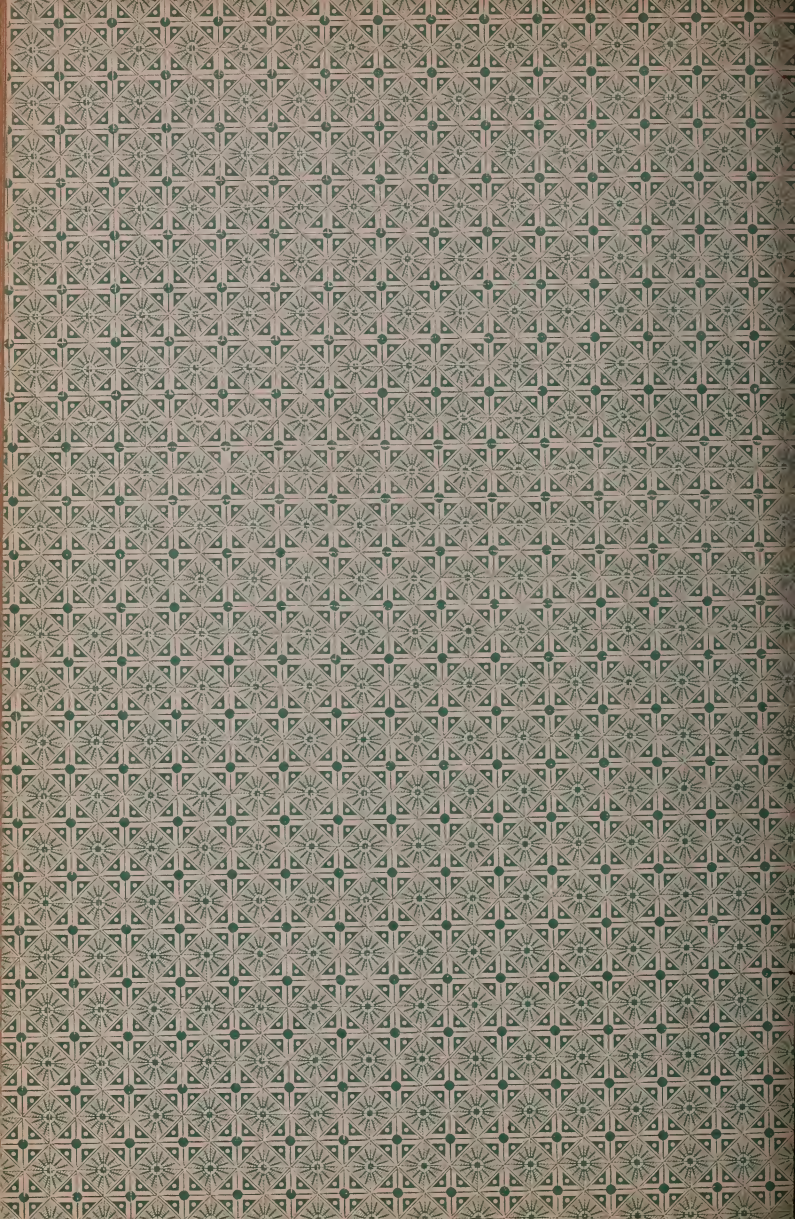
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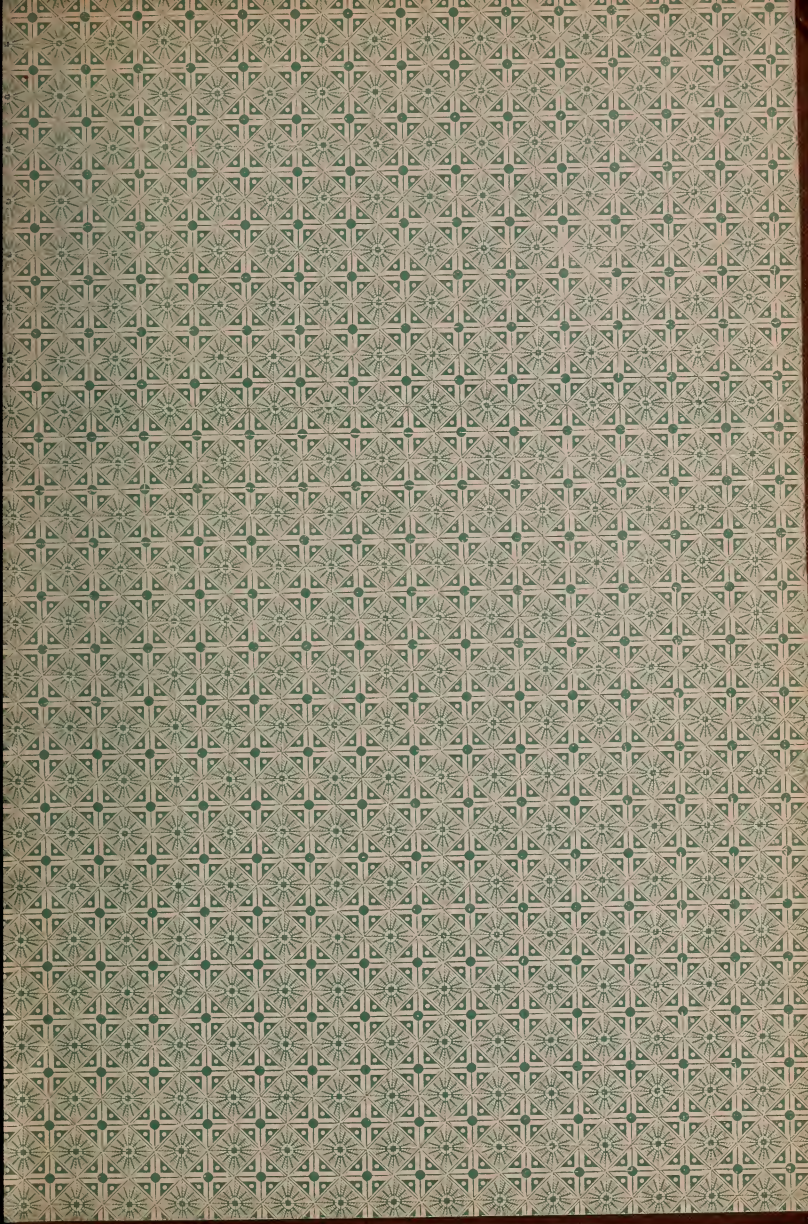
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